United Nations S/2002/688

Security Council

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Letter dated 20 June 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement made by the Deputy Prime Minister and Minister for Foreign Affairs of the Syrian Arab Republic, His Excellency Mr. Farouk Al-Shara, at today's 4556th meeting of the Security Council in connection with the item entitled "The situation in the Middle East, including the Palestinian question" (see annex).

I should be grateful if you would circulate the text of the present letter and its annex as a document of the Security Council.

(*Signed*) Mikhail **Wehbe**
Permanent Representative

02-43688 (E) 210602 210602

Annex to the letter dated 20 June 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

Mr. Secretary-General,
Members of the Security Council,

It is a pleasure for me to be among you in the Security Council following the near-unanimous international support for Syria's membership of the Security Council until the end of next year.

I wish at the outset to convey our gratitude to all who supported our candidature for Council membership in appreciation of Syria's constructive role in this international Organization and because Syria has always been at the forefront of States that have made respect for resolutions of international legitimacy a central pillar of their foreign policy. We in Syria see the United Nations as a sacred institution that is above criticism and slander. Our awareness of the importance of the Security Council, of its key role in the international arena and of the tasks entrusted to it in the Charter has made us — along with other peoples around the world that have suffered as a result of occupation and aggression — look to the Council to play an effective role in the peaceful settlement of international disputes on the basis of the purposes and principles of the United Nations Charter and on the basis of Council resolutions.

I listened very carefully to the briefing by the Secretary-General, Mr. Kofi Annan, on the situation in the Middle East. I share his grave concern at the fact that the crisis has reached a point at which it poses a threat to peace and security, not only in the Middle East but throughout the world. Since the deterioration of the situation in our region, we have noted the Security Council's willingness to take up the situation in the Middle East. The Council has adopted many resolutions, but the situation has continued to deteriorate, and has reached a point that is unprecedented in the Arab-Israeli dispute. This is because of Israel's refusal to implement United Nations resolutions, which it has never taken seriously.

As members know, in the June 1967 war Israel occupied the Syrian Golan, the West Bank including East Jerusalem, Gaza and the Sinai. The Security Council adopted its resolution 242 (1967) to address the consequences of that war. Ever since then, all international efforts to implement that resolution have failed. Conflict and bloodshed have continued. The prospects for a comprehensive peace in the region have grown ever dimmer. A great deal has been said about the reasons for that war, but the most remarkable statements about the Israeli occupation of the Syrian Golan are in the memoirs of the then Minister of Defence of Israel, Moshe Dayan, published in the newspaper *Yedioth Ahronoth* on 29 April 1997. He wrote:

> "Syria had not intended to attack Israel in 1967. It did not attack our farmers in the kibbutzim; we provoked Syria. That is the fact of it. We declared war on Syria under pressure from the kibbutzim, which coveted the land of the Golan and whose interests coincided with those of the commander of the Israeli army in the north, David Ben Eliezer, who did not want to see the Israeli army achieve astonishing victories in the Sinai and the West Bank while he stood idle".

Israel did not stop at occupying Arab lands. It went on to settle them. It attempted to Judaize them and to impose its laws on them in contravention of United Nations resolutions and the Fourth Geneva Convention. The latest Israeli attempt to evade resolution 242 (1967) — which forms an essential part of the terms of reference of the peace process that came out of the 1991 Madrid Conference — took the form of an op-ed-article published in *The New York Times* on 9 June 2002 by the Israeli Prime Minister, Ariel Sharon, and a letter distributed by the Permanent Representative of Israel to the United Nations on 14 June 2002. Both were intended to destroy the very foundations of the peace process. Israel wants to enjoy the fruits of its aggression by seizing parts of Arab lands occupied in June 1967, even though it realizes that, a priori, resolution 242 (1967) articulates the principle of the inadmissibility of the acquisition of the territory of others by force, and that genuine peace with the Arabs cannot be obtained with anything less than the return of all Arab lands occupied in 1967. That is what has kept the conflict ablaze to this very day.

In March 1991, the first Bush Administration set in motion an initiative to attain comprehensive peace in the Middle East. The then Secretary of State, Mr. James Baker, made many trips to the region with a view to concluding an agreement between the parties concerned on the terms of reference of the peace process. Syria's acceptance of the United States initiative paved the way for the convening of the Madrid Peace Conference in November 1991. Israel was embarrassed and reluctantly agreed to attend the Conference. Although talks on the various tracks have continued for the past decade, peace has not been attained because the Israeli side has sought to fulfil the desire of Yitzhak Shamir, then Prime Minister of Israel, who said that he would make sure that the talks went on for 10 years without a result.

The events of the past decade have shown that Israel is not serious about attaining peace with the Arabs. Today, the Sharon Government persists in its strategy of killing, destruction and massacre with a view to forcing the Palestinian side to surrender. In September 2000, Sharon, then leader of the opposition, made an intentionally provocative visit to the Al-Aqsa Mosque in flagrant defiance of the feelings of Palestinians in particular and of Arabs and Muslims in general. That was the spark that ignited the Palestinian intifadah and led to the unprecedented deterioration of the situation in the occupied territories that we see today. That deterioration reached its nadir with the Jenin refugee camp massacre, which will not be forgotten by history, even though the Security Council has neglected it to date.

Faced with Israel's ongoing strategy of killing, destruction, siege, detention and continued occupation of Arab lands, faced with Israeli insistence on destroying the peace process, and faced with the despair and frustration of the Palestinian people, all of us might well wonder what alternatives remain for the defenceless Palestinian people.

No reasonable person could agree to the killing of civilians. However, the way out of this cycle of violence cannot lie in continued killings and acts of destruction, or in the construction of racist security walls. The way out lies in an end to occupation and the implementation of the peace strategy born of the Madrid Conference, as enshrined in the Arab peace initiative adopted at the Beirut Summit in March.

At that time, Syria played a key role in working to obtain Arab unanimity for the adoption of that initiative. It was clear from the initiative that full Israeli withdrawal, to the lines of 4 June 1967, from all Arab territory occupied in 1967, as well as the establishment of an independent Palestinian State with East Jerusalem as its capital, were prerequisites for peace between the Arab States and Israel, as were security guarantees for all parties in the region.

The Arab initiative enjoyed wide international support. It was supported by the United States of America, the Russian Federation and the European Union. It was also supported by the "Quartet", as expressed in the statement issued at Madrid on 10 April 2002, which welcomed the initiative as a significant contribution to the achievement of a comprehensive peace encompassing Syria and Lebanon. Furthermore, the Foreign Ministers of the States members of the Movement of Non-Aligned Countries, in a statement issued at Durban on 29 April 2002, welcomed the Arab peace initiative adopted by the Arab Summit in Beirut. They urged the Security Council to endeavour to build upon that initiative with a view to achieving a just and comprehensive peace in the Middle East.

The road towards peace is clear. The holding of an international conference requires clear bases and terms of reference such as have already been adopted by the international community. Furthermore, the strenuous efforts made over the past decade must not be in vain. Talks must be resumed from the point at which they left off. A timetable must be set out for the implementation of the objectives of the Conference, with a view to obtaining a comprehensive peace in the region. Otherwise, we will have to wait another 10 years — years of violence, destruction and chaos that will be very difficult to control.

True peace in our region will not be obtained unless it is a comprehensive peace. Proof of this is that Egypt — the major Arab State that signed a peace treaty with Israel 23 years ago — has not achieved peace to this day. It continues to toil with its Arab brethren and the rest of the international community to obtain a just and comprehensive peace. This clearly shows that, unless it is comprehensive, peace will not result in security or stability for any of the parties to the dispute.

Thank you.

United Nations S/2002/689

Security Council

Distr.: General
20 June 2002

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Letter dated 19 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/402).

The Counter-Terrorism Committee has received the attached supplementary report from Cyprus, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-44759 (E) 150702

Annex

Letter dated 17 June 2002 from the Permanent Representative of Cyprus to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 1 April 2002 convening preliminary comments by the Counter-Terrorism Committee on the report of the Government of Cyprus submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001), I have the pleasure to enclose the response of the Government of Cyprus to those comments (see enclosure).

I also enclose an advance copy of the first volume of a compilation of the relevant provisions of legal enactments, regulations and other documents of the Republic of Cyprus currently in force, as requested. The second volume of the compilation will be forwarded to the Counter-Terrorism Committee shortly.

(*Signed*) Sotos **Zackheos**
Ambassador
Permanent Representative

Enclosure

SUPPLEMENTARY REPORT OF THE REPUBLIC OF CYPRUS TO THE COUNTER-TERRORISM COMMITTEE (CTC) ESTABLISHED PURSUANT TO THE SECURITY COUNCIL RESOLUTION 1373 (2001) CONCERNING COUNTER-TERRORISM, IN REPLY TO THE LETTER DATED 1 APRIL 2002 FROM THE CHAIRMAN OF THE CTC

- **Sub-paragraph 1 (a) and (b):**

  - ***The references to proceeds of crime in Sections 4 and 5 of the Law on Suppression of Money-Laundering do not seem to meet the requirements of those sub-paragraphs, as amounts held by persons linked to terrorism may not, in all cases, be proceeds of crime. Could Cyprus please outline the provisions of Law 29(III) 01 that cover the requirements of sub-paragraphs 1(a) and (b)?***

According to Section 8 of the Ratification Law of the U.N. International Convention for the Suppression of the Financing of Terrorism, (Law No. 29(III)/2001),* acts which constitute offences prescribed in section 2 of the Convention, are considered to be "predicate offences", as if they were included in Section 5 of the Prevention and Suppression of Money Laundering Activities Law of 1996, as amended. According to the same section, the relevant provisions of the aforementioned Law are directly applicable in such cases.

Therefore, these provisions cover the instances where amounts held by persons linked to terrorism are not actually proceeds of crime.

- **Sub-paragraph 1 (a)**

  - ***Does any natural or legal person (e.g. attorneys, notaries and other intermediaries) have to report suspicious transactions to the public authorities and, if so, what are the penalties attached if they omit to report either willfully or by negligence?***

According to Section 27 of the Prevention and Suppression of Money Laundering Activities Law, all persons (natural or legal, including attorneys, accountants and other intermediaries), have an obligation to report any knowledge or suspicion of money laundering (suspicious transactions) to the Cyprus Financial Investigating Unit (F.I.U.), which is the Unit for Combating Money Laundering (MOKAS), at the Attorney General's Office.

Failure to comply with this obligation, constitutes an offence (covering negligence as well), punishable with imprisonment not exceeding 5 years and/or a pecuniary penalty not exceeding three thousand pounds.

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* The texts of the relevant provisions of the legal enactments, etc., forwarded by the Government of Cyprus are on file with the Secretariat and are available for consultation.

- **Sub-paragraph 1 (c):**

  - ***Section 14 (1) of the Money-Laundering Law does not seem to deal completely with the requirements of this sub-paragraph. Please clarify whether freezing of funds, financial assets, economic resources and other related services, as envisaged by the Resolution, are provided for in the Penal Code, other laws or any circulars issued by the Council of Ministers.***

As mentioned earlier, section 8 of the Ratification Law of the U.N. International Convention for the Suppression of the Financing of Terrorism, (Law NO. 29(III)/2001), provides that the offences prescribed in the Convention are deemed predicate offences and the relevant sections of the Prevention and Suppression of Money Laundering Activities Law of 1996, as amended, directly apply. There is a specific reference to the application of the relevant provisions in the Ratification Law.

Furthermore, it should be clarified that the administrative procedure followed after September 11, 2001 is the following:

The Attorney General submits to the Council of Ministers all lists of persons or organizations linked with terrorist activities issued by Security Council Resolutions or by any other Authority.

The Council of Ministers takes the decision and orders the necessary inquiries by the Central Bank in order to identify and freeze any such assets. Examples of the procedure followed by the Central Bank of Cyprus, based on the decisions of the Council of Ministers are given in sub-paragraph 1 (c) of the initial Report, as well as in the Annex I attached hereto.

- **Sub-paragraph 1 (d):**

  - ***Please describe the legal provisions that prohibit funds etc. being made available directly or indirectly to persons and entities connected to terrorism.***

In addition to the legal provisions concerning existing preventive measures in the financial system to prohibit the use of funds to persons or entities connected with terrorism, the legal provisions for the freezing of such assets as well as the administrative procedure for the same purpose are based on the relevant decisions of the Council of Ministers.

Please note that the provisions of the Criminal Code referred to in relation to sub-paragraph 2 (a) of the initial report do not cover this issue.

Furthermore, money transfer agencies (two such agencies exist in Cyprus, Western Union and Money Gram) are under the regulation of the Central Bank of Cyprus, which is the designated Supervisory Authority for such Agencies, after a relevant decision of the Council of Ministers on December 6, 2001. The Council of Ministers has the power according to Section 60 (1) (b) of the Prevention and Suppression of Money Laundering Activities Law of 1996, as amended, to designate Supervisory Authorities for persons or entities carrying out relevant financial business prescribed in the Law.

- ***Please explain how the financial tracking system ensures that funds received by charitable and similar associations are not diverted from the associations' stated purpose, for example, to terrorist activities.***

As far as funds received by charitable and similar associations are concerned, it should be emphasized that very few and well known charitable associations exist in Cyprus. However, the same legal provisions and procedures explained above can be applied in such cases as well.

- **Sub-paragraph 2 (d):**

- ***Please describe the provisions of existing laws under which action could be initiated against a foreigner who, while carrying on legitimate activities in Cyprus, supports terrorist acts elsewhere.***

Please refer to answer to sub-paragraph 2(e) below:

- **Sub-paragraph 2 (e):**

- **Are the relevant provisions of the Penal Code of Cyprus applicable in the following circumstances:**

- **acts committed outside Cyprus by a person who is a citizen of, or habitually resident in Cyprus (whether that person is currently present in Cyprus or not);**

- **acts committed outside Cyprus by a foreign national who is currently in Cyprus;**

According to the Constitution, citizens of the Republic of Cyprus cannot be extradited abroad. However, they can be held liable for offences committed abroad and tried by Cypriot Courts according to Section 5 of the Criminal Code of the Republic which is described below.

Foreigners who are in Cyprus and commit acts or support terrorist acts outside the territory of Cyprus, can be extradited to another country with which Cyprus has an extradition agreement.

In addition, the Courts have jurisdiction in the case of the application of the provisions of the Prevention and Suppression of Money Laundering Activities Law of 1996 and the Ratification Law of the International Convention for the Suppression of the Financing of Terrorism when the foreigner has committed terrorist acts in another country, and any connected financial activity takes place in Cyprus.

Furthermore, the Courts of Cyprus have jurisdiction over such offences and foreigners, "if the offence is one to which, under any international treaty or convention binding on the Republic, the Law of the Republic is applicable" (Section 5 of the Criminal Code, Cap. 154).

Specifically, the extent of the criminal jurisdiction of the Court of the Republic is regulated by section 5 of the Criminal Code Cap. 154 according to which offences under the Code committed outside Cyprus are triable in Cyprus:

(a) if committed by a citizen of the Republic the Criminal Code provides that:

(i) the offence is punishable by imprisonment exceeding two years and

(ii) the act committed constitutes an offence under the Law of the country where committed.

(b) if committed by any person and the offence is:

(i) treason or is against the security and the constitutional order or

(ii) piracy, or

(iii) connected with the monetary currency of the Republic, or

(iv) related to the illegal trading of dangerous drugs, or

(v) is one of the offences for which the Law of Cyprus is applicable under the provision of an International Treaty or Convention binding on the Republic.

In view of the above, a person who is not a citizen of the Republic but is habitually resident in Cyprus would only be liable for trial in Cyprus if the requirements of paragraph (b) above are satisfied.

However, most of the offences under the Criminal Code are also offences under the Conventions dealing with terrorism where the jurisdiction of the Cyprus Courts is extended to cover such offences if committed by any person anywhere.

- **Sub-paragraph 2 (f):**

  - ***Please provide a list of the bilateral agreements for the exchange of information on terrorism–related matters to which Cyprus is a party.***

Cyprus concluded bilateral agreements which, inter alia, provide for the exchange of information on terrorism-related matters with the following countries:

- Syria (concluded on 4.4.1989)
- Italy (concluded on 15.3.1991)
- Poland (concluded on 26.10.1992)
- Czech Republic (concluded on 7.12.1992)
- Slovak Republic (concluded on 7.12.1992)
- Greece (concluded on 11.12.1993)
- Egypt (concluded on 7.6.1994)
- China (concluded on 18.10.1994)
- Israel (concluded on 9.1.1995)
- Romania (concluded on 7.6.1995)
- Hungary (concluded on 13.6.1996)
- Malta (concluded on 17.9.1999)
- Cuba (concluded on 16.11.2000)
- Russian Federation (concluded on 16.11.2000)
  (valid also for Belarus, Georgia and the Ukraine)

Furthermore the F.I.U. of the Republic of Cyprus (MOKAS) has concluded memoranda of understanding (M.O.Us) with the F.I.Us of the following countries: Belgium, Czech Republic, France and Slovenia. In this context, information relating to terrorism and/or its financing is provided by virtue of the specific section contained in the Prevention and Suppression of Money Laundering Activities Law of 1996, as amended. This section enables the Unit to cooperate and exchange information with its F.I.U. counterparts from other countries without directly having concluded a relevant M.O.U., and it regularly does so.

- **Sub-paragraph 2 (g):**

  - ***Could Cyprus please provide the CTC with information on the mechanism for inter-agency co-operation between the authorities responsible for narcotics control, financial tracking and security?***

In Cyprus, co-ordination and co-operation between the various authorities is easily achieved. Inter-agency co-operation required in implementing the measures prescribed in this sub-paragraph, has been bolstered with the recent decision of the Council of Ministers to set up a Coordinating Body Against Terrorism (MOKAT).

This Body is chaired by the Deputy Attorney General and is composed of representatives from the Police, the Customs Department, Attorneys of the Law Office of the Republic, the Ministry of Foreign Affairs, the Ministry of Justice and Public Order, the Unit for Combating Money Laundering (MOKAS) and the Central Information Agency.

Police

The important role of the police in implementing this paragraph is also noted:

In Cyprus there is only one National Police Force. The organization of the Police is based upon a hierarchical structure, led by the Chief of Police.

Border control is carried out by Police Aliens and Immigration Unit, Police Security Services, Port & Marine Police and the Police Airwing. Moreover, personnel of the Drug Law Enforcement Unit, which is also under the direction of the Chief of Police, are stationed at the points of entry/exit of the Republic of Cyprus.

There is also close cooperation between all the Police Departments as well as the Migration Department (Ministry of Interior) and the Customs & Excise Department (Ministry of Finance) which are involved in border control. In some cases, personnel of these Services are housed in the same buildings. The cooperation includes, inter-alia, exchanging data, information/intelligence, equipment sharing, common training, and regular meetings.

There is also close cooperation between the above Services and the Unit for Combating Money Laundering (MOKAS) which is composed of Police and Customs & Excise Department Investigators as well as members of the Office of the Attorney General.

Furthermore, it should be noted that within the Cyprus Police the Fraud Investigation Squad undertakes all matters related to economic and financial crime.

The Customs and Excise Department (CDC&E)

Due to its physical presence at the points of entry and exit of the Republic of Cyprus, the CDC&E is in a position to provide a wide range of essential services to a host of other Government departments. Consequently, the CDC&E is responsible for the enforcement of various prohibitions and restrictions derived from national legislation and international conventions, ratified by the Republic of Cyprus.

The activities of the CDC&E in the fight against terrorism and organized crime are focused on the following areas:

- The illicit drug trafficking
- The illicit trafficking of weapons explosives and weapons of mass destruction, including biological and chemical ones
- Money laundering
- Other types of organized crime, including cigarettes and alcohol smuggling, precursor chemicals, intellectual property rights, paedophilia.

Customs officers are empowered by national legislation with the following powers:

- To examine goods.
- To require any person or company concerned with the importation, exportation or shipment of goods to provide any information in relation to the goods.
- To search persons, premises, customs controlled areas, vehicles, vessels or aircrafts, in accordance with the existing legislation.
- To take representative samples.
- To detain goods.
- To seize goods and documents.
- Right of access to documents (including electronic ones).
- To conduct audit control of business records.
- To detain and/or arrest any person(s) who is found committing or attempting to commit or being in any way concerned in the commission of offences relating to fraudulent evasion of duty or evasion of any prohibition or restriction.
- To institute legal proceedings for offences.
- To conduct proceedings before the appropriate court.
- To freeze and seize assets belonging to persons charged with knowingly acting contrary to the Prevention and Suppression of Money Laundering Activities Law of 1996 No.61 (I)/96.
- To exchange and share information in customs matters with other customs administrations for law enforcement purposes.
- To conduct inquiries on behalf of other customs administrations under certain conditions.

Furthermore, the following measures and controls against terrorism and organized crime are applied:

- Risk analysis for profiling and targeting, customs patrols at ports and airports, enhancement of passenger controls, enhancement of cooperation between the Cyprus Police and other local and foreign agencies, as well as cooperation with non-governmental organizations.
- Use of the National Information System and data of international intelligence systems that the Department has access to (RILO, AFIS, BALKAN INFO, MARINFO, CEN).

In order to increase its efficiency the CDC&E has elaborated a strategic plan that includes, inter alia, the following strategic objectives:

- The fight against drugs and other sensitive goods is of highest priority.
- Selective controls through risk analysis.
- Use of post clearance audit methods.
- Enhancement of international cooperation and exchange of information and intelligence.
- Establishment of an integrated electronic intelligence and data base system.
- Restructuring of the Department in order to face new challenges and trends.

As regards the inter-agency cooperation the CDC&E is in constant and regular contact with the Police and foreign Drug Liaison Officers stationed in Cyprus. Moreover, a Memorandum of Understanding was signed between the CDC&E and the Police in 2001, regulating the responsibilities of the two services on drug related issues. Finally, there is the flexibility so that joint operations can be organized upon consent of the two services in areas of their jurisdiction, for example drugs, illegal arms trafficking and trafficking in human beings.

- **Sub-paragraph 3 (a) and (b):**

  - ***Apart from the measures regarding exchange of information mentioned in relation to sub-paragraphs 2 (b), (c), (f) and (g), is there any law which enables such co-operation and mutual assistance? If so, please outline the law.***

In addition to the measures in force mentioned in the initial Report concerning the exchange of information, legislation exists which enables such co-operation.

Specific legal provisions which allow and facilitate cooperation and mutual assistance in these matters are included in the Prevention and Suppression of Money Laundering Activities Law (Law No. 61(I)/96, as amended), the Ratification Law of the U.N. International Convention for the Suppression of the Financing of Terrorism (Law. No 29(III)/2001) and the Law providing for International Co-operation in Criminal Matters (Law No. 23(I)/01)

Furthermore, apart from the relevant multilateral conventions to which Cyprus is a party, all bilateral agreements on legal/judicial cooperation concluded by the Republic of Cyprus provide for such cooperation and assistance.

- **Sub-paragraph 3 (e):**

  - ***Have the crimes mentioned in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the relevant bilateral treaties which Cyprus has concluded with other countries.***

All bilateral agreements on extradition between Cyprus and other countries provide that extraditable offences are those punishable with over one year imprisonment. Therefore, since the offences included in the International Conventions are punishable with imprisonment of over one year, they fall within the definition and are extraditable offences.

Moreover in most international Conventions, under which certain specified acts are established as crimes, there are provisions regarding the extraditable nature of such crimes. Reference is made by way of example to Article 8 of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents.

Article 8 of the above Convention reads:

> 1. "To the extent that the crimes set forth in Article 2 are not listed as extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.
>
> 2. If a State Party which makes extradition conditional on the existence of a treaty receives a request, for extradition from another State Party with which it does not have an extradition treaty, it may, if it decides to extradite, consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.
>
> 3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested State.
>
> 4. Each of the crimes shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 of Article 3."

This provision and similar provisions in other Conventions/Treaties are self executing provisions and fully binding upon the Republic.

- **Sub-paragraph 3 (g):**

  - ***Please inform the CTC whether there is any law on extradition and, if so, please outline it and state whether it is dependent for its operation on bilateral treaties.***

The existing national legislation on extradition in Cyprus is the "Extradition of Fugitives Law" (Law No. 97/70), as amended by Law No. 97/90, which operates only in the existence of a multilateral and/or bilateral treaty.

(Description on the extradition procedure in Cyprus is appended hereto as **Appendix.**)

- ***Could Cyprus please clarify whether its reservation to the European Convention contradicts the statement made in the report that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists?***

It is clarified that the reservation to the European Convention does not relate to politically motivated offences but to political offences, which is a different notion. For clarity, the relevant reservation is the following: *"The Government of the Republic of Cyprus reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence".*

The provision on Political Offences of the Convention is Article 3, which states as follows:

"1. Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence connected with a political offence.

2. The same rule shall apply if the requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account, or that that person's position may be prejudiced for any of these reasons.

3. The taking or attempted taking of the life of a Head of State or a member of his family shall not be deemed to be a political offence for the purposes of this Convention.

4. This Article shall not affect any obligations which the Contracting Parties may have undertaken or may undertake under any other international convention of a multilateral character."

It should be stressed that in Cyprus, offences such as murder are not considered as political offences.

It should be further underlined that no extradition request was ever refused by the Republic of Cyprus on the ground that the offence was a political or a politically motivated one.

Therefore, the reference in the Report that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists does not contradict the reservation.

- ***It would be useful to the CTC to have a list of countries with which bilateral treaties on extradition have been concluded.***

Apart from the European Convention on Extradition, the Republic of Cyprus has concluded bilateral agreements on extradition with the following countries: Bulgaria, Czech Republic, Egypt, Hungary, Russian Federation, Slovak Republic, and U.S.A.

- **Paragraph 4:**

  - ***Has Cyprus addressed any of the concerns expressed in paragraph 4 of the resolution?***

The Republic of Cyprus fully recognises the close connection between international terrorism and transnational organized crime, illicit drugs, money laundering, illegal arms-trafficking and illegal movement of nuclear, chemical and biological and other potentially deadly materials. As such it attaches particular importance and attention to the co-ordination of efforts on the national, sub regional, regional and international levels which aim at strengthening the global response to this serious challenge.

Further to the information already submitted to the CTC on the implementation of paragraph 4 of SCR 1373 as contained in the Republic's initial report, please find attached **Annex I**, which contains an updated, account of measures taken by the Republic of Cyprus in implementing paragraph 4 of SCR 1373.

Other matters:

- ***Your Government is respectfully requested to make available copies of the relevant provision of the legal enactments, regulations and other documents currently in force that are relevant to comply with paragraphs 1, 2 and 3 of the Resolution.***

A publication consisting of two volumes to be issued by the Law Commissioner's Office which includes the texts of relevant legislation against terrorism is being currently prepared. An advance copy of the first volume is enclosed herewith, while the second volume will be forwarded to the CTC shortly.

- ***It would also be useful to the CTC to have an organizational chart of the administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, to give practical effect to the laws, regulations and other documents that are seen by your Government as contributing to compliance with the Resolution.***

The organizational charts of the administrative machinery, submitted herein are:

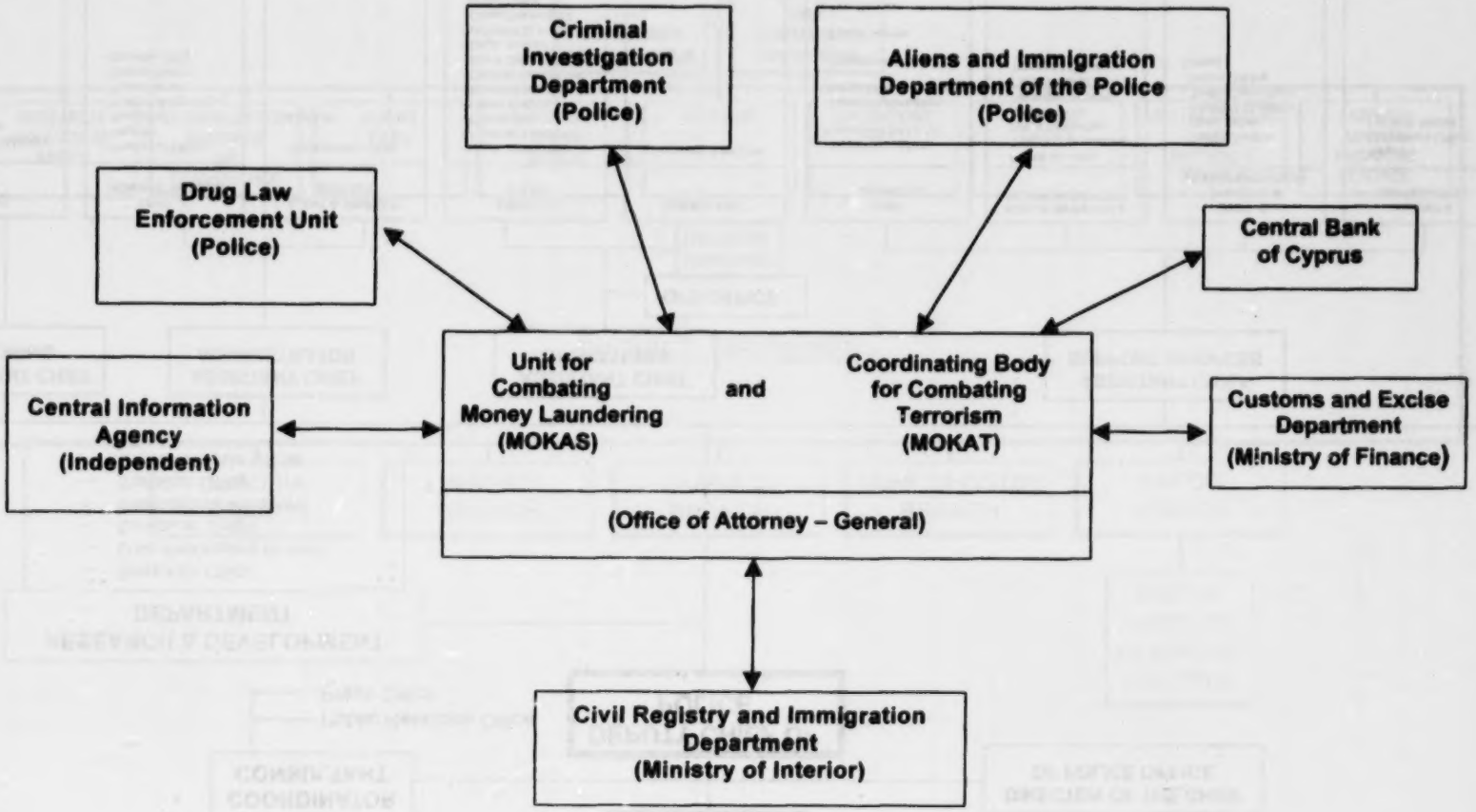
1. An organisational chart showing the cooperation between various departments of the Republic dealing with the practical aspects of the laws, regulations and other documents that are considered by the Republic of Cyprus as contributing to the effective compliance with SCR 1373.

2. The organisational chart of the Customs and Excise Department.

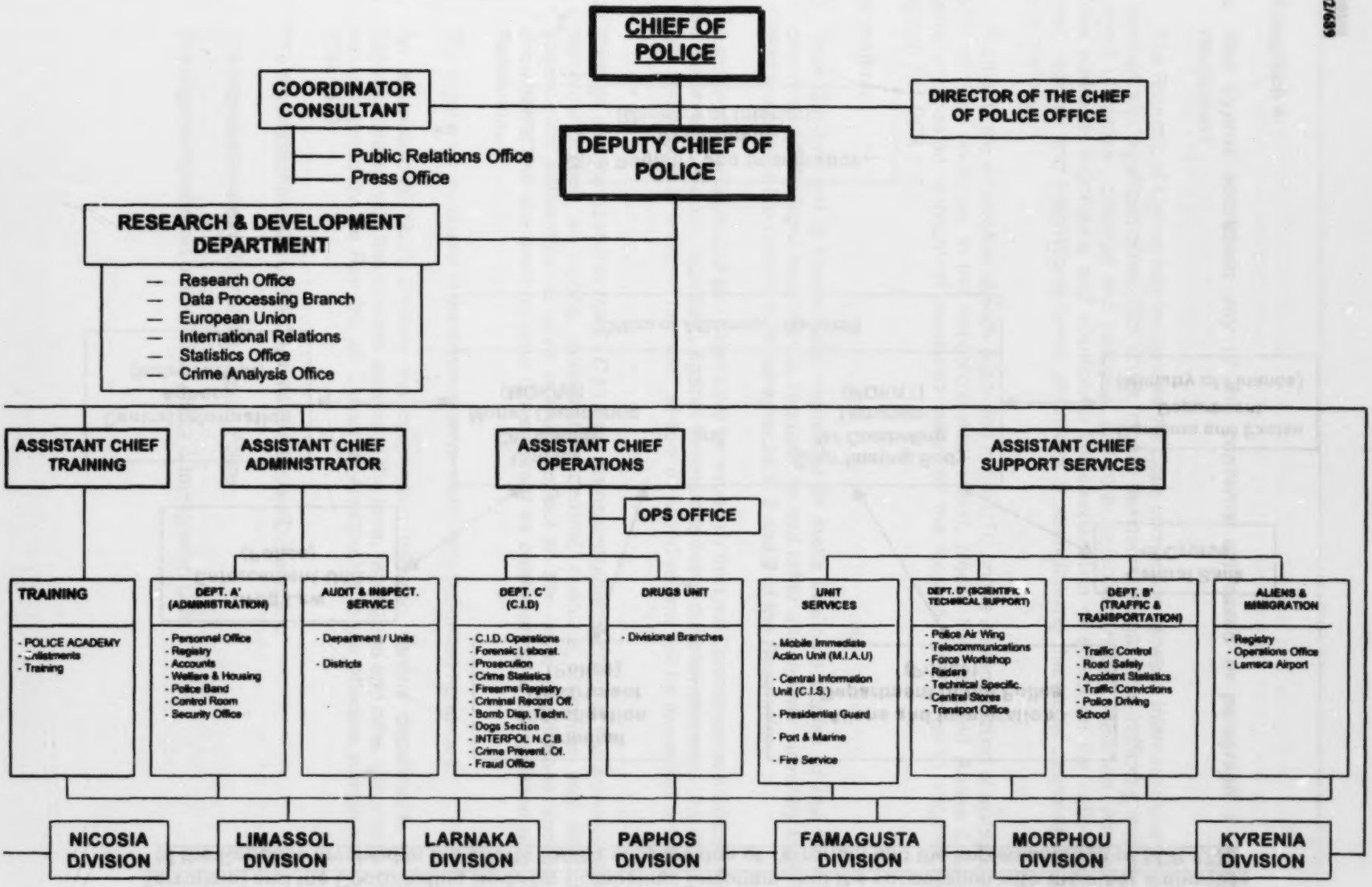
3. The organisational structure of the Cyprus Police

4. The organisational chart of the Police Aliens & Immigration Unit.

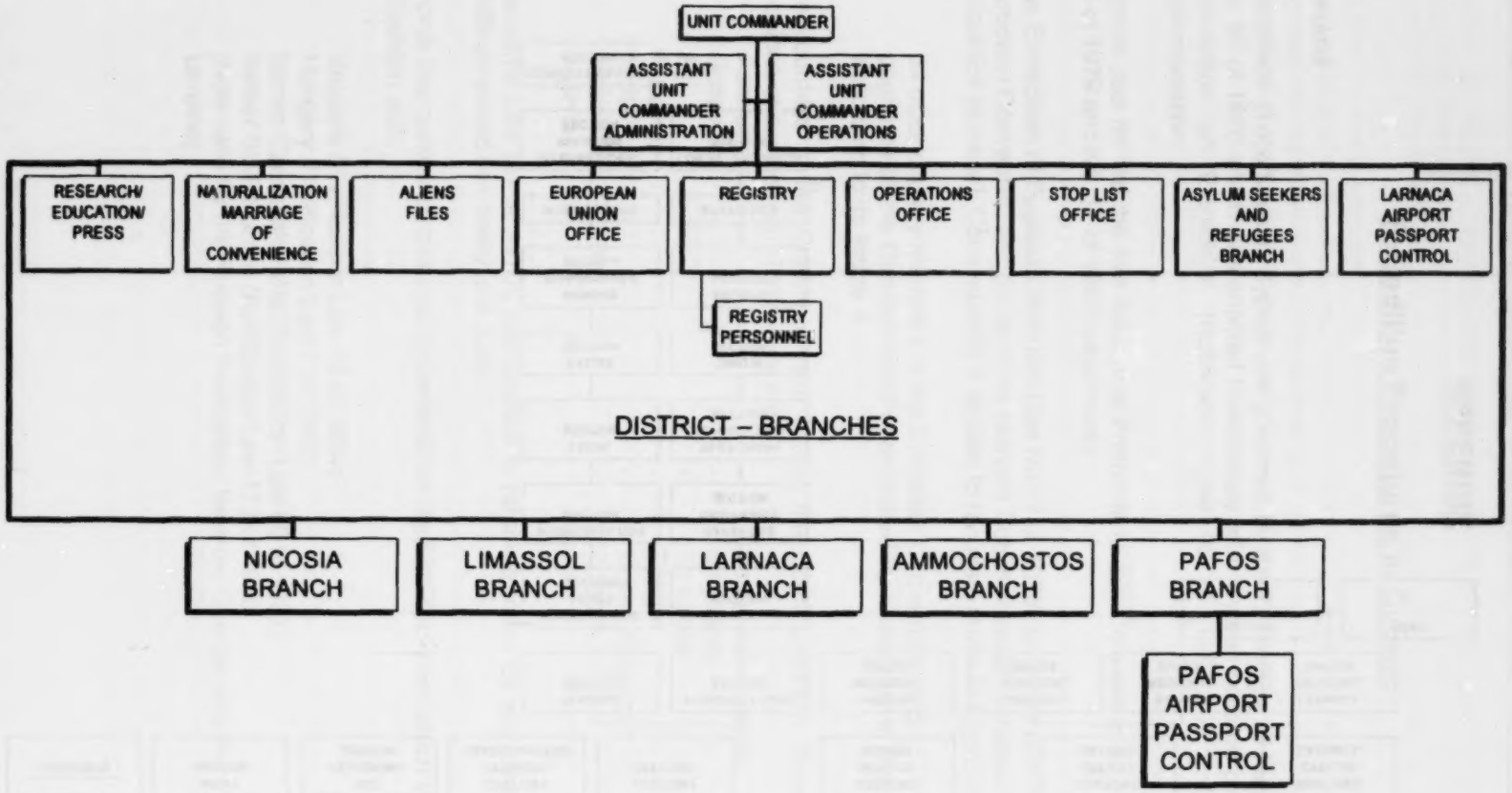
Organisational Chart showing the central role of the Unit for Combating Money Laundering (including the financing of Terrorism) and the Coordinating Body for Combating Terrorism, and the cooperation with the other authorities of the Republic involved in the efforts for the suppression of Terrorism and the implementation of SCR 1373


Criminal Investigation Department (Police)
Aliens and Immigration Department of the Police (Police)
Drug Law Enforcement Unit (Police)
Central Bank of Cyprus
Central Information Agency (Independent)
Unit for Combating Money Laundering (MOKAS)
and
Coordinating Body for Combating Terrorism (MOKAT)
Customs and Excise Department (Ministry of Finance)
(Office of Attorney – General)
Civil Registry and Immigration Department (Ministry of Interior)

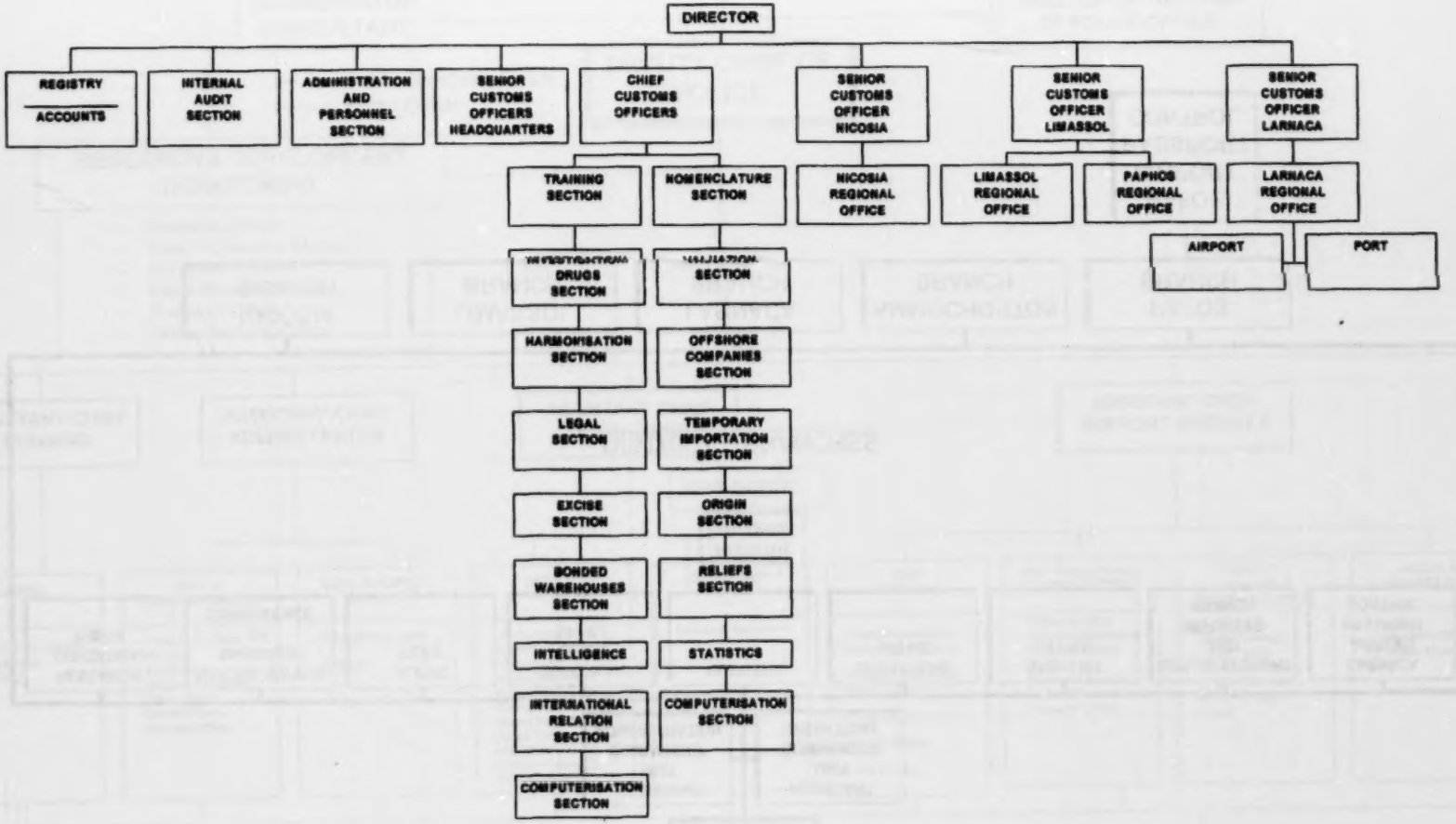
ORGANISATIONAL STRUCTURE OF CYPRUS POLICE



ALIENS & IMMIGRATION DEPARTMENT OF THE POLICE



DEPARTMENT OF CUSTOMS AND EXCISE



APPENDIX

Extradition Procedures in Cyprus

1. **General**

1.1. Extradition procedures in Cyprus are governed by the Extradition of Fugitive Offenders Law No. 97 of 1970 which was enacted immediately after Cyprus became party to the European Convention on Extradition (Ratification Law 95 of 1970), in order to facilitate its implementation.

1.2. Cyprus also ratified the two Additional Protocols to this Convention by Ratification Laws No 23 of 1979 and No. 17 of 1984 respectively.

1.3. The Extradition of Fugitive Offenders Law No 97 of 1970 combines both the Provisions of the European Convention and those of the relevant Commonwealth Scheme (which facilitates the extradition process). Consequently it applies to requests made to Cyprus by:

- all other country-members to the European Convention, and
- countries of the Commonwealth designated by a decision of the Council of Ministers according to its Article 4.

1.4. The countries of the Commonwealth (within the Commonwealth Scheme) designated by decisions of the Council of Ministers are:

- Australia
- Botswana
- Fiji
- Malaysia
- Malta
- Mauritius
- Nigeria
- Papua-New Guinea
- Singapore
- Sri Lanka
- Tonga
- United Kingdom
- Zambia

1.5. The same Law (97 of 1970), also applies to requests made by any other foreign State with which an extradition treaty is in force.

1.6.1. Cyprus has concluded bilateral agreements on legal co-operation which include provisions on extradition with:

- Bulgaria (Ratification Law 18 of 1984)
- Hungary (Ratification Law 7 of 1983)
- former Czechoslovakia (Ratification Law 68 of 1982)
- former Soviet Union (Ratification Law 172 of 1986)
  [Now valid for the Russian Federation, Belarus, Georgia and the Ukraine]

1.6.2. Cyprus has also concluded bilateral treaties on extradition with:

- Egypt (Ratification Law 13(III) of 1996
- USA (Ratification Law 9(III) of 1997

1.7. The Republic of Cyprus is also bound by bilateral agreements on extradition which were concluded by the United Kingdom and thereafter remain in force in Cyprus after its independence by succession through a specific provision in the Treaty of Establishment.

1.8. Owing to the differences in the legal systems of Europe and the Commonwealth regarding the prima-facie requirement, it was found necessary to amend Law 97 of 1970 by Law 97 of 1990 so that the prima-facie requirement is no longer applied in applications under the European Convention.

1.9. The extradition procedure is a combination of administrative and the judicial procedures and involves separate functions for the Minister of Justice and Public Order and the Courts.

The following agencies have a role in extradition matters:

- Ministry of Foreign Affairs,
- Ministry of Justice and Public Order,
- Police,
- Office of the Attorney General of the Republic,
- Courts.

2. Procedure concerning requests made to Cyprus.

2.1. The extradition process begins either with a request for the provisional arrest of the fugitive or by a formal request submitted usually through the diplomatic channel.

2.2. When a request for provisional arrest is received by the Ministry of Justice and Public Order either directly or through police or diplomatic channels, if at first instance it seems unlikely that it would be refused outright, the Police is requested to seek, find and arrest the fugitive provisionally.

2.3. A police officer presents the information received with the request for provisional arrest to the President of the District Court within the jurisdiction where the fugitive was located and requests the issuance of a provisional warrant for the fugitive's arrest.

2.4. A provisional warrant may be issued upon such evidence as would, in the opinion of the President of the District Court, authorise the issue of a warrant for the arrest of a person accused of committing a corresponding offence or a person alleged to be unlawfully at large after conviction of an offence, within the jurisdiction of his Court.

2.5. A request for provisional arrest may be also received directly by the police, through police channels, and it will be processed in the same way as described in paragraphs 2.3 and 2.4. above.

2.6. When a provisional warrant of arrest is issued by the Police, the Court issuing the warrant must notify forthwith the Minister of Justice and Public Order who may, by order, cancel the warrant and if the person was arrested discharge him/her from custody.

2.7. When a fugitive is arrested in pursuance of a provisional warrant of arrest, he/she is brought as soon as practicable (within 24 hours) before a District Court Judge. At the request of a Counsel of the Republic from the Office of the Attorney General which is the Prosecuting Authority, the Judge remands him/her either in custody or on bail pending authority by the Minister of Justice and Public Order to proceed. The Judge may fix a reasonable period (of which the Minister is notified) according to the period prescribed in the applicable treaty, after which the person is immediately discharged from custody unless the authority by the Minister to proceed is submitted.
However the fugitive may be rearrested following a formal request for extradition, on authority to proceed by the Minister and the issuance of an arrest warrant.

The fugitive has a right to legal representation and if his/her financial means are insufficient, the Court appoints a defence lawyer to represent him/her and the lawyers expenses and fees are covered by the State.

2.8. After the extradition request is received, usually through diplomatic channels, and the documents are examined by the Ministry of Justice and Public Order in collaboration with the Office of the Attorney General and found to be in accordance with the relevant Law and applicable Treaty, the Minister of Justice and Public Order signs the authority to proceed which is subsequently submitted to the Court together with the extradition request and supporting documents. Copies are also given to the legal representative of the fugitive.
Additional documents and information may be required from the requesting State by the Counsel of the Republic either at this stage or at any time during the hearing of the case.

2.9. When a formal extradition request is received by the Ministry of Justice and Public Order and after the documents are examined in collaboration with the Office of the Attorney General and found to be in accordance with the Law and the applicable Treaty, the Minister of Justice and Public Order signs the authority to proceed. (If the examination of documents is likely to take days, after a first instance inspection, the Police are requested to proceed in the way described in the case of a request for provisional arrest).

2.10. The authority to proceed, together with the extradition request and supporting documents are then submitted to a Judge of the District Court within the jurisdiction where the fugitive is located or believed to be, who, if he considers it appropriate, as per paragraph 2.4. above, issues a warrant for arrest.

2.11. When arrested, the fugitive is brought as soon as practicable (again within 24 hours) before the Judge who remands him/her either in custody which is usually the case or on bail. Copies of the documents are given to his legal representative and the date for the hearing is fixed.

2.12. At the hearing, where the Judge is satisfied that: the offence to which the authority relates is an extraditable offence; the documents submitted meet the requirements of the relevant Law and applicable Treaty; and the committal of the fugitive is not prohibited, the Judge is required to commit the fugitive to custody and to await the Minister's decision on surrender. The

fugitive is informed at the same time by the Judge of his/her right to make an application for a writ of habeas corpus to secure his discharge and the Minister is notified accordingly forthwith.

2.13. In applications which are not made under the European Convention the prima facie rule is applied.

2.14. A person committed to custody as per paragraph 2.12. cannot be surrendered before 15 days have passed, beginning with the day on which the order for his committal is made.

2.15. If an application for habeas corpus is made, the fugitive cannot be surrendered until the final determination of the proceedings, including an appeal or the expiration of the time within which the appeal may be brought, has taken place.

2.16. During the 15 days mentioned in paragraph 2.14. or after the final determination of the proceedings mentioned in paragraph 2.15, the Minister of Justice and Public Order examines the case further in accordance with Articles 6 and 11 of Law 97 of 1970, inter-alia, whether the offence is a political one, or whether the fugitive is sought to be prosecuted or detained on account of his race and religion or whether the fugitive is already serving a sentence in Cyprus.

2.17. Where the Minister decides to issue a warrant order for the return to the requesting State, notice of the warrant is given forthwith to the fugitive to be extradited.

2.18. If a fugitive is not returned to the requesting State
(a) after the expiration of 2 months from the date he/she could have been returned or
(b) after the expiration of one month following the date of issue of the return warrant he/she may apply to the Supreme Court for his discharge.

2.19. The fugitive may at any stage waive his/her rights under the Extradition Law and applicable treaty and consent to his/her return. In this case, the fugitive is surrendered as expeditiously as possible without further proceedings.

ANNEX

MEASURES AGAINST TERRORISM

General

The Government of the Republic of Cyprus wishes to reiterate that it fully recognizes the existence and the dimensions of this international problem. The fight against international crime, particularly terrorism, through international cooperation, is one of the top priorities of the foreign policy of Cyprus.

The Government reaffirms its commitment to join forces with all Governments on a bilateral level as well as in international fora in the struggle to eliminate terrorism. This determination has been explicitly stated at the highest level with the assurance that all practical measures will be taken in cooperation with the international community and in line with the obligations deriving from the relevant international treaties which Cyprus is party to.

- Cyprus has to date ratified or acceded to eleven of the twelve international conventions pertaining to international terrorism, as well as the relevant Convention of the Council of Europe and will shortly ratify the remaining one, (i.e. the Convention on the Marking of Plastic Explosives of which the Bill is been currently examined by the House of Representatives). Specifically, Cyprus is party to the four main relevant Conventions, which are deposited with the Secretary General of the United Nations, namely the "International Convention for the Suppression of the Financing of Terrorism", the "International Convention for the Suppression of Terrorist Bombings", the "International Convention Against the Taking of Hostages" and the "International Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents".

Terrorist Attacks against the United States on September 11, 2001

- On September 11 the world watched with horror the massive destruction and suffering caused by the shocking events that took place in the United States. These criminal acts of terrorism were condemned unreservedly by the Republic of Cyprus. The attacks were not only attacks against the United States but also an assault against humanity and the fundamental principles of civilization.

- Our fight is against terrorists and terrorism and not against a culture or religion or between cultures or religions. Cyprus therefore associates itself fully with the statement made at the extraordinary European Council on September 21st rejecting "any equation of groups of fanatical terrorists with the Arab or Muslim world".

- The events of September 11th underlined and brought into sharper focus the need for the members of the international community, both individually and collectively, to redouble their efforts in a concerted and coordinated manner to fight terrorism and its sponsorship.

- Those involved in sponsoring terrorism have sought to use international financial facilities for their criminal activities. In this, the Government fully recognizes the importance of having strict anti-money laundering measures in place and the need to cut off the funding and sustaining of

terrorism. The Republic of Cyprus is recognized both by individual countries such as the US and leading global anti-money laundering organizations, including FATF that it has a comprehensive anti-money laundering system and that the Central Bank has in place a strict regulatory framework aimed at preventing abuses within the offshore sector.

- Following the attacks on September 11th, Cyprus has taken additional measures in the form of heightened vigilance and security measures as well as increased efforts to locate and freeze any terrorist assets. These measures and actions have, to date, included the following:

- **12.9.2001** The Ministry of Foreign Affairs issued a press release that unconditionally condemned the terrorist attacks while offering the condolences of the Government and the people of the Republic of Cyprus to President Bush and the American people.

- On the same date the Republic of Cyprus aligned itself with the statement of the Presidency of the European Union in condemning these acts of terrorism.

- **20.9.2001** The Central Bank of the Republic of Cyprus issued a circular to all Commercial Banks and International Banking Units (IBUs) in Cyprus requesting the freezing of potential funds and other financial resources belonging to persons/organizations and/or entities associated with Osama bin Laden, Al Qaeda and the Taliban. Similar circulars were also sent on **27.9.2001**, on **2.10.2001**, on **17.10.2001**, on **30.10.2001**, on **19.11.2001**, on **5.12.2001**, on **6.12.2001**, on **4.1.2002**, on **9.1.2002**, on **28.1.2002**, on **20.2.2002** on **4.3.2002**, on **20.3.2002**, on **20.3.2002**, on **5.4.2002**, on 25.4.2002 on **13.5.2002** and on **23.5.2002**.

  Note: The above circulars include lists of persons (individuals and entities) designated as being associated with the Taliban and Osama bin Laden, by the Security Council Committee on Afghanistan (acting under SCR 1267 (1999) and 1333 (2000) as well as the persons/entities included in the Executive Order 13224 issued by President Bush on September 23, for the blocking of assets of terrorists or terrorist organizations. It is noted that the circulars sent on 30.10.2001 and on 20.2.2002 included lists issued by the Financial Crimes Enforcement Network (FinCEN).

- **21.9.2001** The Republic of Cyprus aligned itself with the conclusions and plan of action adopted at the extraordinary European Union meeting in Brussels, which call for developing and implementing specific measures against terrorism while intensifying inter-state cooperation in related areas.

- **23.9.2001** The Ministry of Foreign Affairs sent a letter to the appropriate authorities calling for detailed information on measures taken to heighten security in the Republic.

- **25.9.2001–2.10.2001** The Department of Customs of the Ministry of Finance, the Ministry of Communications and Works and the Ministry of Justice and Public Order informed the Ministry of Foreign Affairs respectively that heightened vigilance, surveillance and security measures were introduced.

- The authorities, inter alia, implemented additional measures concerning security checks of all individuals at entry and exit points of the Republic, including the need for crew to pass security control and obtain clearance before entering the premises of any airport. Security presence

and patrols have been bolstered especially in sensitive areas. In addition, strict passport scrutiny of all arriving and departing passengers was introduced. Additional measures concerning screening of luggage were taken, including the introduction of 100% screening of all hold baggage checked at Larnaca and Pafos Airports and additional checks of passengers and hand luggage at departure gates. All domestic/international private or pleasure light aviation flights were not permitted for a period of eight months. Private or pleasure light aviation flights are currently restricted and allowed only in the cases that these meet certain specific requirements. Increased inspection of all containers/cargoes has been introduced by the Customs Authorities, as well as by other involved Authorities.

- **25.9.2001** The Central Bank of the Republic of Cyprus addressed letters to the Cyprus Bar Association and the Institute of Public Accountants of Cyprus requesting them to inquire with their members whether they had ever provided any services to persons or entities associated with Osama Bin Laden, Al Qaeda and any of the persons included in the list circulated to banks. Similar circulars were also sent on **10.10.2001**, on **18.10.2001** and on **6.12.2001**.

- **29.9.2001** The Ministry of Foreign Affairs sent to all relevant authorities a copy of UNSCR 1373 of 28.9.2001 regarding the call for joint action and measures to be taken by each member-state of the international community in the common endeavour against international terrorism.

- **2.10.2001** Supplementary Circular sent by the Central Bank to all Commercial Banks and International Banking Units (IBUs) regarding the freezing of potential assets/accounts of any person/entity associated with Osama bin Laden and Al Qaeda as designated by UNSCRs 1267, 1333 and the relevant Executive Order 13224 (23.9.2001) issued by President Bush.

- **4.10.2001** Decision of the Council of Ministers instructed all relevant authorities of the Republic to investigate the existence of potential assets/accounts of any person/organization or entity associated to Osama bin Laden and Al Qaeda as designated by UN SC Res. 1267, 1333 and the relevant Executive Order (23.9.2001) issued by President Bush.

- **4.10.2001** The Council of Ministers granted facilities to US military aircraft throughout the Republic's sovereign air space and the right to use its airports for an unlimited period of time following a request from the United States.

- **4.10.2001** The Ministry of Foreign Affairs notified the Department of Customs of its agreement, following the affirmative opinion of the Attorney-General of the Republic, for the immediate acceptance of the completion of the procedures to sell to the Government of the United States of America "nuclear reactor plant equipment" and six packages of Zirconium, which were confiscated by the Cypriot authorities.

Note: The nuclear reactor plant equipment which is U.S. made was brought to Cyprus in transit, in 1995. However, the export from the United States was carried out illegally since the necessary export permit from the Nuclear Regulatory Commission had not been acquired. Instead in the export description the reactor was labeled as power plant equipment. Despite the fact that this was exported as power plant equipment and subsequently imported in Cyprus as such, when it was found that this was in fact nuclear reactor plant equipment, the Republic of Cyprus took every step to withhold the merchandise, even though there was no illegality in the import procedure. The merchandise was confiscated by the Cypriot authorities.

During the same time period six packages of Zirconium were imported in transit from a third country under similar circumstances, namely an illegality in the export procedures. It is noted that Zirconium is included in the trigger list of dual use items and was also confiscated by the Cypriot authorities.

Following an affirmative opinion of the Attorney-General of the Republic the Customs Office put up for public auction the equipment and the Zirconium packages, in line with the relevant legal mechanism of the Republic, to which the United States Government responded with detailed proposals for both. These proposals were accepted by the Republic of Cyprus.

- **8.10.2001** Foreign Minister Kasoulides made the following statement: "The Government of Cyprus has taken note of the commencement of the military operations which are targeting international terrorism, its headquarters and the regime that it's harbouring the headquarters and the camps of the international network of Osama bin Laden". The Minister also noted that this operation is part of the overall campaign against terrorism that includes diplomatic, political and economic objectives. He added that "Cyprus appreciates the statements made by President Bush and Prime Minister Blair and in particular that this military operation is not targeting the people of Afghanistan or innocent civilians, but is targeting specifically the terrorists and the regime that it's harbouring them". The Minister also stated that Cyprus is among the 40 countries, mentioned by President Bush in his statement, that have offered air space and landing rights to US military aircraft taking part in this operation and that "Cyprus considers itself a member of the coalition which along with other European countries, but also Moslem countries, and in particular friendly countries of the Arab world, are also participating in the fight against terrorism".

- **8.10.2001** Cyprus aligned with a statement by the EU General Affairs Council, which declared full solidarity with the US concerning the operations in Afghanistan.

- **10.10.2001** Council of Ministers approved a Bill titled "Law for the Ratification of the International Convention for the Suppression of the Financing of Terrorism" and authorized its immediate submission to the House of Representatives.

  This Bill included:

1. The Ratification of the International Convention for the Suppression of the Financing of Terrorism that Cyprus signed on 1.03.2001.

2. Setting of penalties for relevant criminal acts in the fulfillment of the obligations arising from provisions of the Convention.

3. Inclusion, in the national legislation, of provisions necessary for the enactment of provisions in the Convention, which are not self-implemented.

4. Determining, with the view to facilitating conformity with the provisions of the Convention, those criminal acts defined as such by the provisions of national legislation on concealment, investigation, and confiscation of assets from certain crimes.

- **17.10.2001** Supplementary Circular sent by the Central Bank to all Banks operating in Cyprus calling for the immediate freezing of any assets belonging to the 39 individuals entities identified in Executive Order 13224 (23.9.2001).

- **22.10.2001** The House of Representatives approved the Bill ratifying the International Convention for the Suppression for the Financing of Terrorism by Law, 29(III) 2001.

  N.B. The Law 29(III) 2001 included a special provision that calls for the enlargement in size and expansion of mandate of the already existing unit for combating financial crime (MOKAS) which will from now on accommodate a special department devoted to investigating and acting upon criminal acts, as derived from the Convention.

- **31.10.2001** The Council of Ministers approved the draft Ratification bill of the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

- **28.11.2001** The draft Ratification Bill for the "Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation", which was approved by the Council of Ministers at 31.10.2001, was submitted to the House of Representatives.

- **28.11.2001** The Council of Ministers approved a draft Bill amending the Criminal Code. The Bill criminalizes participation in a criminal organisation in accordance with the Common Act adopted by the Council of the European Union (98/733/JHA). According to the provisions of the Amending Bill, a criminal organisation is defined as a group that exists for at least six months and consists of three or more individuals, with the common purpose to commit serious criminal offences.

- **30.11.2001** The Instrument of Ratification of the Republic of Cyprus for the International Convention for the Suppression of the Financing of Terrorism was deposited with the Secretary General of the United Nations. Cyprus became the 15th country to ratify the above-mentioned Convention.

- **6.12.2001** The Council of Ministers, through Decision No. 54.652, approved the proposal concerning the restrictive measures against the Taliban regarding Common Position 2001/771/CFSP and amending Common Positions 1996/746/CFSP, 2001/56/CFSP and 2001/154/CFSP.

- **12.12.2001** The Council of Ministers approved the establishment of a Coordinating Unit to combat international terrorism (MOKAT). This unit concentrates on areas of illegal arms sales and brokerage, illegal trafficking of arms, of explosives, of weapons of mass destruction, of harmful chemical substances and of dual-use items. This unit has the jurisdiction to conduct questioning and investigations, collect data and exchange relevant information with related coordinating units of other countries for the purpose of the suppression of activities relating to terrorism.

  This Coordinating Unit functions under the auspices of the Deputy Attorney General of the Republic. In order to ensure an immediate response to any information relating to terrorist activities, this unit is comprised of two advocates, members of the Law Office of the Republic, a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Justice

and Public Order, three representatives from the Police Department, a representative from MOKAS, a representative from the Central Information Agency, and a specialist on analyzing electronic data.

- **20.12.2001** The House of Representatives approved the Ratification of the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving Civil Aviation.

- **21.12.2001** The Republic of Cyprus submitted its Report on the "Measures taken to Combat Terrorism" to UN Security Council Committee 1373.

- **31.12.2001** The Official Gazette of the Republic published the Law 33(III) 001 ratifying the "Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation" supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

- **11.1.2002** The Republic of Cyprus aligned itself with Common Positions 2001/930/CFSP and 2001/931/CFSP on combating terrorism and on the application of specific measures to combat terrorism respectively.

- **15.1.2002** The Ministry of Foreign Affairs sent to all relevant authorities a copy of UNSCR 1388 regarding the lifting of the ban on Adriana airlines.

- **17.1.2002** The Ministry of Foreign Affairs sent to all relevant authorities a copy of UNSCR 1390 regarding amended restrictive measures on the Taliban, Osama bin Laden, Al Qaeda and their accomplices. In parallel, a relevant proposal implementing Users 1388 and 1390 was sent for endorsement by the Council of Ministers.

- **25.1.2002** The Central Bank of the Republic of Cyprus issued a circular to all Commercial Banks and International Banking Units in Cyprus requesting the immediate freezing of any balanced standing to the credit of the persons included in a supplementary list of persons subject to the provisions of UNSCR 1267 (1999) and 1333 (2000).

- **5.2.2002** The Council of Ministers endorsed the implementation of UNSCRs 1388 and 1390 by Decision 55.055.

- **14.2.2002** The Official Gazette of the Republic published Law 12(I) 2002 amending the Criminal Code to include a definition of a criminal organization and of criminal participation in a criminal organization, which the Council of Ministers had approved on 28.11.2001.

- **20.2.2002** The only remaining Convention against International Terrorism to be ratified by the Republic of Cyprus, namely the International Convention on the Marking of Plastic Explosives, was examined by the Committee of External Affairs of the House of Representatives and is shortly to be forwarded for approval by the Plenary.

- **27.2.2002** The Council of Ministers by Decision 55.197 granted authority to the Attorney General of the Republic to take measures (after informing the President) for the freezing of assets of terrorists and/or terrorist organizations whose names do not appear on the lists of relevant Security Council Resolutions but on other lists such as the ones issued by the US

Executive Order 13224, or other Authorities. This Decision has retroactive effect (from 4.10.2001 onwards).

- **7.3.2002** The Republic of Cyprus became the 55th state party of the Rome Statute of the International Criminal Court.

- **16.4.2002** The Chairman of the Coordinating Body against Terrorism of the Republic of Cyprus (which was established on 12.12.2001) replied to the request of the Chairman of Security Council Committee 1267 concerning the request from all States to report to the aforementioned Committee on the implementation of the mandatory measures contained in SCR 1390.

- **24.4.2002** In line with European Union policy currently in effect, the Council of Ministers, through Decision 55.540, amended elements of the restrictive measures regarding passport scrutiny (specifically stamping) of all arriving passengers to exclude citizens of the European Union and the European Economic Area.

- **1.5.2002** The relevant authorities of the Republic of Cyprus through MOKAS, submitted to FATF a "Self Assessment Exercise" regarding the FATF Special Recommendations on Terrorist Financing.

- **13.5.2002** The Republic of Cyprus aligned itself with Common Position 2002/340/CFSP on extending Common Position 2001/931/CFSP on the application of specific measures of combat terrorism, and took action to implement the relevant stop-lists included therein.

- **30.5.2002** The Council of Ministers granted authority to the Attorney General of the Republic to take measures (after informing the President) for the freezing of assets of terrorists and/or terrorist organizations whose names appear on lists issued, specifically, by the European Union.

June 2002

United Nations S/2002/690

Security Council

Distr.: General
20 June 2002

Original: English

Letter dated 19 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 15 April 2002 (S/2002/388).

The Counter-Terrorism Committee has received the attached supplementary report from Singapore, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

02-44733 (E) 090702

Annex

Letter dated 17 June 2002 from the Permanent Representative of Singapore to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to Security Council document S/2002/388 dated 15 April 2002 and pursuant to Council resolution 1373 (2001), I have the honour to forward the supplementary report (see enclosure) of the Republic of Singapore to the Counter-Terrorism Committee, together with the annexes referred to in the said report.

I would be grateful if the text of the present letter and the enclosed report (without annexes) could be circulated as a document of the Security Council. The enclosed annexes are included only for the Committee's records. Soft copies of all the attached documents will be forwarded to the Secretary of the Committee by e-mail.

(*Signed*) Kishore **Mahbubani**
Ambassador Extraordinary and Plenipotentiary

Enclosure

SINGAPORE'S RESPONSE TO THE QUESTIONS CONTAINED IN THE LETTER FROM THE CHAIRMAN OF THE CTC DATED 27 MARCH 2002

Introduction

1 In addition to responding to the specific questions posed by the CTC, the Singapore Government would like to update the CTC on recent actions that the Government has taken to combat terrorism. Between 9 and 24 December 2001, the Singapore Government invoked the provisions of the Internal Security Act and arrested thirteen members of a cell belonging to a clandestine group known as the Jemaah Islamiyah, which has been found to be part of a larger network of terrorists with cells in the region[1]. (The Internal Security Act is attached at Annex A.)*

2 The thirteen persons had participated in illegal military training, were involved with terrorist elements in other countries, and had carried out activities to facilitate terrorist attacks against selected targets in Singapore. All thirteen persons have been detained under the Internal Security Act. The Advisory Board sat between 25 and 28 February 2002 and heard detainees' representations as well as interviewed officers of the Internal Security Department. The Board held further meetings in March to deliberate on the representations made and evidence tendered. The Board completed its report and submitted it to the President on 2 April 2002. The President formally noted the Board's findings and recommendation to uphold the Orders of Detention on 30 April 2002. The arrest of the thirteen terrorists is a demonstration of the Singapore Government's commitment to take firm action against terrorists and supporters of terrorism. Singapore is confident that with the arrest of the thirteen persons, we have managed to cripple the cell's plans to mount terrorist attacks against selected targets in Singapore.

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* The annexes are on file with the Secretariat and are available for consultations.

[1] The character of terrorist activities, in particular the planning and preparation of terrorist acts, makes disclosure of intelligence collected as evidence in an open court trial a threat to the sources of information. Disclosure of evidence in an open court trial would also compromise covert methods of investigation. Although the Internal Security Act provides for detention without trial, the invocation of such power is strictly governed by law. When a person is arrested under the Internal Security Act, the law enforcement agency is allowed to detain the person for only 30 days from the date of arrest, to conduct investigation and to verify the person's involvement in the activities for which he was placed under arrest. If the person concerned is found to be not involved in the alleged activities, he will, of course, be released unconditionally. In practice, if the person concerned is found to be only marginally involved in the alleged activities, the person will also be released. Only if the person is found to be deeply involved and that preventive detention is deemed necessary will a Detention Order, for detention not exceeding two years, be issued.

When a Detention Order is issued, the Internal Security Act stipulates that within three months from the issue of the Order of Detention, the Internal Security Act Advisory Board shall consider representations made by persons to whom the Detention Order has been served upon. The Advisory Board is chaired by a sitting Supreme Court Judge, with two prominent citizens as members. The Board submits its findings on the representations and makes its recommendation to the President. Upon considering the recommendations of the Advisory Board, the President may direct the Minister for Home Affairs on the detention or release of the persons detained. No person can be detained under the Internal Security Act without the concurrence of the President.

- **Sub-paragraph 1 (a):**

The CTC notes that Singapore has enacted a new law (the United Nations Act) to comply with the requirements of the Resolution. Could Singapore please explain whether the regulations made under that law permit the freezing of accounts held in Singaporean financial institutions, including off-shore banking facilities, by non-residents and entities not located in Singapore, who are supporting terrorist acts outside Singapore.

Singapore's response

3 The United Nations Act (and any regulations made thereunder) do not apply to financial institutions, which are subject to the directions of the Monetary Authority of Singapore (MAS) under section 27A of the MAS Act (section 2(2) of the United Nations Act)[2]. The directions are binding on the financial institutions concerned notwithstanding any other duty imposed on the financial institutions by any rule of law, written law or contract. The directions issued by the MAS to implement Resolution 1373 (contained in Circular FSG 48/2001, which was attached to Singapore's first report to the CTC) require financial institutions in Singapore to freeze, among other things, accounts of non-residents and entities, not located in Singapore, who are supporting terrorist acts outside Singapore.

- **Sub-paragraph 1 (c):**

It is noted that the United Nations (Anti-Terrorism) Regulations and the Monetary Authority of Singapore Circular FSG 48/2001 define 'terrorist', 'prohibited person' and 'designated person'. Please explain whether these definitions cover all persons or entities which may be proceeded against for acts criminalised under the Resolution.

Singapore's response

4 The definitions of "terrorist" and "prohibited person" in the United Nations (Anti-Terrorism Measures) Regulations and the definition of "designated person" in the Circular FSG 48/2001 were drafted in conformity with the provisions of Resolution 1373 (2001) and would therefore cover persons or entities being proceeded against for acts criminalised under the Resolution.

- **Sub-paragraph 1 (c):**

If so, are there procedures under those Regulations and the circular for countries to make requests for the freezing of funds, assets and other economic resources, or would such action be taken under the general powers vested in the Monetary Authority of Singapore pursuant to Section 27A of the Monetary Authority of Singapore Act?

Singapore's response

5 Directions issued by the MAS to financial institutions to freeze accounts and assets would cover persons and entities that are listed, pursuant to Resolutions 1267 (1999), 1333 (2000) and 1390 (2002), by the Sanctions Committee established under

[2] Both Acts were attached to Singapore's first report to the CTC.

Resolution 1267 (1999). If a country has information about terrorists or terrorist assets in Singapore, it can forward the information to the Singapore authorities for investigation. Singapore will deal firmly with any person involved in the financing or support of terrorism, including the freezing of assets and any other necessary action under the relevant laws.

- **Sub-paragraph 1 (d):**

  The UN Act 2001 empowers the Minister to make regulations, violation of which is an offence under Section 5 of the Act. Is it possible for any country having a case against a person living in Singapore because of an act criminalised under the Resolution to request the relevant authority to invoke these provisions?

  Singapore's response

  6 Any person living in Singapore will be covered by the provisions of the United Nations Act and the United Nations (Anti-Terrorism Measures) Regulations 2001. Any person present in Singapore who is financing terrorist activities outside Singapore would be guilty of an offence under the United Nations (Anti-Terrorism Measures) Regulations. If a country has evidence against any person living in Singapore, it can forward the evidence to the Singapore authorities for investigation of the matter.

- **Sub-paragraph 1 (d):**

  Does Singapore have any provisions for regulating alternative money transfer agencies?

  Singapore's response

  7 All Remittance Agents in Singapore need to be licensed by the MAS. Operation of a remittance business without a licence is an offence. Licensees are regulated under the Money-changing and Remittance Businesses Act (Chapter 187)[3].

- **Sub-paragraph 2 (a):**

  Could Singapore please outline the legislative or other provisions which give effect to this sub-paragraph.

  8 The legislative provisions giving effect to this paragraph have been described in paragraphs 19 to 21 of Singapore's first report to the CTC. In addition, the United Nations (Anti-Terrorism Measures) Regulations were amended (with effect from 12 March 2002) by the insertion of three new provisions. These provisions were inserted to implement Resolution 1390 (2002). Regulation 7A provides that no

[3] Section 6 of the Act provides that no person shall carry on or advertise that he carries on remittance business unless he is in possession of a valid remittance licence. Any person who contravenes the above shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $50,000 or to imprisonment for a term not exceeding two years or to both and, in the case of a continuing offence, to a fine not exceeding $1,000 for every day during which the offence continues after conviction.

person in Singapore and no citizen of Singapore outside Singapore shall, directly or indirectly, export, sell, supply or ship any arms and related material, wherever situated, to any terrorist. Regulation 7B provides that no owner or master of a Singapore ship and no operator of an aircraft registered in Singapore shall directly or indirectly carry or cause or permit to be carried any arms and related material wherever situated, for any terrorist. Regulation 7C provides that no person in Singapore and no citizen of Singapore outside Singapore shall, directly or indirectly, provide any terrorist with technical advice, assistance or training related to military activities. The United Nations (Anti-Terrorism Measures) (Amendment) Regulations 2002 are attached at Annex B.

- **Sub-paragraph 2 (a):**

  Please describe how Singapore proposes to prevent recruitment to terrorist groups.

  Singapore's response

  9 This issue has been addressed in paragraph 19 of Singapore's first report to the CTC. Section 8 of the Internal Security Act provides that if the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister for Home Affairs shall make an order directing that such person be detained for any period not exceeding two years. The Internal Security Act provides for detention without trial of persons whose activities threaten the internal security of Singapore, and this measure is used in circumstances where it is not practical to deal with threats posed by terrorists under the normal parameters of criminal law.

  10 Singapore believes that swift and decisive steps must be taken to prevent persons from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including recruitment to terrorist groups. The arrest and detention of thirteen terrorists in Singapore in December 2001, which was mentioned earlier in this report, is testimony to the Singapore Government's commitment to prevent terrorist activities and recruitment to terrorist groups.

- **Sub-paragraph 2 (a):**

  Is there a system in Singapore to monitor the goods in transit through the Singapore port?

  Singapore's response

  11 Our container terminal operations are fully computerised. Terminal operators capture details on all containers handled in the terminals. Based on risk management assessment and intelligence, containers are selected for physical inspections. As part of Singapore's commitment to the non-proliferation of Weapons of Mass Destruction, Singapore is also putting in place an enhanced export control regime that would control strategic goods that pass through our terminals.

  12 On 4 June 2002, Singapore also announced that it had agreed to be a pilot port under the US-led Container Security Initiative (CSI). Singapore will be the first

pilot port in Asia to come under the CSI. The initiative aims to prevent the use of our port as a conduit for illegal transhipments of weapons of mass destruction and reinforces the measures undertaken by the Singapore Government to boost security at all our passenger and cargo entry points. Since the September 11 attacks, Singapore has enforced more stringent security checks at all passenger and cargo entry points. Singapore is also looking into acquiring X-ray machines to expedite security screening of containers.

- **Sub-paragraph 2 (b):**

  It is noted that Singapore is prepared to share information as required under this sub-paragraph. Is there an institutional mechanism, such as a law or other bilateral/multilateral arrangements, for exchange of information?

  Singapore's response

  13 Like many other countries, Singapore has no formal institutional mechanism for the exchange of intelligence. However, Singapore is prepared to and has shared information with other countries through intelligence and law enforcement agencies. Singapore is also an active member of Interpol where information on terrorists is exchanged among member countries.

  14 Within the ASEAN context, the ASEANAPOL Database system is another mechanism for information exchange on terrorists. For example, arising from information that the Singapore Government provided, law enforcement agencies in the Philippines recently arrested Fathur Rohman Al Ghozi, a trainer and bomb-maker, in the Moro Islamic Liberation Front. This is an example of the cooperation between law enforcement agencies in Singapore and their counterparts in other countries.

  15 At the Special ASEAN Ministerial Meeting on Terrorism in May 2002, Singapore also proposed that ASEAN countries consider setting up a special unit within each of their countries as a focal point to coordinate counter terrorism efforts within their own countries and with their ASEAN counterparts. Our proposal has been accepted by the other ASEAN countries. Within Singapore, we have formed the Joint Counter-Terrorism Centre for this purpose. Singapore's Joint Counter-Terrorism Centre can work with the counter-terrorism units of other ASEAN countries to exchange information pertaining to terrorism.

  16 At the Asia-Europe Foreign Ministers' Meeting in June 2002, Singapore's Minister for Foreign Affairs proposed the establishment of linkages between EUROPOL, ASEANAPOL and the law enforcement agencies of China, Japan and the Republic of Korea to facilitate intelligence sharing and cooperation, with particular emphasis on tackling terrorism and international organized crime. Singapore also proposed enhancing intelligence and information exchange between the anti-terrorism coordination units in the member countries of the Asia-Europe Meeting. Both proposals have received broad support from Asian and European countries.

- **Sub-paragraph 2 (c):**

Are there any legal provisions to deny safe haven to terrorists in Singapore?

Singapore's response

17 Singapore has various legal provisions to deny safe haven to terrorists in Singapore. These have already been outlined in detail in paragraph 23 of Singapore's first report to the CTC. In addition, we have provided information in this report concerning the Internal Security Act, which provides for the detention without trial of persons whose activities threaten the internal security of Singapore. There are therefore sufficient safeguards to deny safe haven to terrorists in Singapore.

- **Sub-paragraph 2 (e)**

Does Singapore intend to introduce specific offences criminalising terrorist activities covered by this sub-paragraph?

Singapore's response

18 There are no plans, at present, to enact a specific offence of "terrorism". However, as stated in Singapore's earlier report to the CTC, the planning, preparation or perpetration of terrorist acts would involve offences such as murder, causing hurt, hijacking, kidnapping etc, all of which are offences under Singapore law. The financing of terrorist acts is an offence covered by the United Nations (Anti-Terrorism Measures) Regulations.

- **Sub-paragraph 2 (f):**

Please list the bilateral treaties for mutual assistance to which Singapore is party.

Singapore's response

19 Singapore has a mutual legal assistance treaty with the United States of America, in relation to drug trafficking.

20 On 23 May 2002, the Terrorism (Suppression of Financing) Bill was tabled in Parliament. The purpose of the Bill is to give effect to the International Convention for the Suppression of the Financing of Terrorism. Clause 32 of the Bill provides that where there is no treaty, memorandum of understanding or agreement in force between Singapore and a country which is a party to the Convention, relating to the provision of assistance concerning any terrorism financing offence, an order under section 17 of the Mutual Assistance in Criminal Matters Act ("MACMA") may be made declaring that country as a prescribed foreign country; and applying that Act as if there were a treaty, memorandum of understanding or other agreement under which that country has agreed to provide assistance in criminal matters to Singapore. The Bill will be read in Parliament and brought to a vote in the second half of 2002. Once the Bill is enacted, Singapore will be in a position to provide mutual legal assistance to States Parties to the Convention, with respect to Convention offences (subject to the terms and conditions of MACMA), even in the absence of a bilateral mutual legal assistance treaty between the requesting State Party and Singapore.

- **Sub-paragraph 2 (g):**

Could Singapore please provide the CTC with information on the mechanism for inter-agency co-operation between the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls preventing the movement of terrorists.

Singapore's response

21 The enforcement functions mentioned in the question above are all carried out by the Ministry of Home Affairs. There is therefore no problem with inter-agency coordination. The Ministry of Home Affairs is responsible for internal security, criminal investigation, crime prevention and enforcement, commercial crime investigation and enforcement, custody and rehabilitation of offenders, narcotics control, border control and immigration in Singapore. Under the purview of the Ministry of Home Affairs, the Central Narcotics Bureau (CNB) is the main agency responsible for narcotics control; the Commercial Affairs Department (CAD) of the Singapore Police Force is the main enforcement agency for the investigation against financial crimes; and the Singapore Police Force (SPF) and Singapore Immigration and Registration (SIR) are responsible for security, with regard to border control. In 1997, the Ministry of Home Affairs launched the Home Team concept to further enhance the already close collaboration and cooperation between the seven departments under its charge. The Home Team is not just a concept but has been put into practice thereby enabling a unified and comprehensive approach in fighting crime, including drug control, immigration offences, the illegal use of fraudulent travel documents and money-laundering, and ensuring border security.

- **Sub-paragraph 3 (d):**

What are the intentions of Singapore with regard to ratification of the relevant international conventions and protocols relating to terrorism it has not yet ratified? Please indicate where possible a proposed timetable for future ratifications.

Singapore's response

22 Singapore has signed the International Convention for the Suppression of the Financing of Terrorism and intends to ratify it in the second half of 2002.

23 Singapore is currently preparing legislation which would allow us to accede to the following two conventions:

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Convention on the Marking of Plastic Explosives for the Purpose of Identification

24 Singapore is considering the ratification of the remaining United Nations Conventions on Terrorism that we have not yet ratified or acceded to. Singapore does not have a specific timetable for future ratifications.

- **Sub-paragraph 3 (e):**

How has Singapore implemented the four conventions to which it is a party, apart from the two acts mentioned in the report?

Singapore's response

25 The Tokyo Convention Act and the Hijacking of Aircraft and Protection of Aircraft and International Airports Act fully implement the four Conventions. Violations of the Conventions would result in offences under these two Acts. Copies of the two Acts are at Annexes C and D.

- **Sub-paragraph 3 (e):**

Please explain whether the crimes included in the ratified conventions are extraditable offences.

Singapore's response

26 The crimes covered by the ratified Conventions are extraditable offences under the Extradition Act.

- **Sub-paragraph 3 (g):**

Please outline the provisions of the Extradition Act which give effect to this sub-paragraph.

Singapore's response

27 The relevant provisions of the Extradition Act have already been described in paragraphs 46 and 47 of Singapore's first report to the CTC. We have nothing to add to those paragraphs.

- **Paragraph 4:**

The CTC would be grateful to know if Singapore has addressed any of the concerns expressed in paragraph 4 of the Resolution.

Singapore's response

28 Singapore has addressed the concerns in paragraph 4 of the resolution. Singapore is aware of the close connection between international terrorism and transnational organized crime, and has taken steps to address these problems. As noted in our earlier report to the CTC, Singapore believes that there should be coherent and coordinated international action against terrorism. As such, Singapore is enhancing its coordination efforts at the national, sub-regional and international levels to counter these threats to international security. At the international level, we are stepping up bilateral cooperation with other countries in the area of information exchange on terrorism and transnational crime. At the sub-regional level, we are strengthening cooperation among law enforcement agencies among ASEAN countries. Singapore also participates in the biennial ASEAN Ministerial Meeting on Transnational Crime, which sets the direction for regional cooperation to combat transnational crime. At the national level, we have also enhanced our efforts

in this area. This includes, for example, our establishment of the Joint Counter-Terrorism Centre, which we mentioned earlier in this report.

- **Other matters:**

Could Singapore please provide an organisational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Singapore's response

29 An organisational chart of the administrative machinery that contributes to compliance with Resolution 1373 is attached at Annex E.

United Nations S/2002/691

Security Council

Distr.: General
20 June 2002

Original: English

Letter dated 20 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/384).

The Counter-Terrorism Committee has received the attached supplementary report from Sweden, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-45180 (E) 120702

Annex

Letter dated 19 June 2002 from the Permanent Representative of Sweden to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 22 March 2002, please find enclosed a complementary report prepared by the Ministry of Finance, the Ministry of Foreign Affairs and the Ministry of Justice of Sweden (see enclosure).

(*Signed*) Pierre **Schori**
Ambassador
Permanent Representative of Sweden to the United Nations

Enclosure

Complementary report by Sweden to the Counter-Terrorism Committee established under Art. 6 of Resolution 1373 (2001)

United Nations Security Council Resolution 1373 calls upon all States to report to the Counter-Terrorism Committee (CTC) established under the provisions of the Resolution on the steps taken to implement the Resolution. Sweden would like to add the following comments to the questions posed by the CTC, complementing the Swedish report of 13 December 2001. This report is set out according to the guidelines circulated by the Chairman of the Committee established under UNSCR 1373.

1 (d) Please provide particulars of preventive surveillance and control mechanisms that Sweden has put in place to ensure that funds for the financing of terrorism are not channelled through charitable, religious or cultural organisations.

Through article 2 paragraph 1 (b) and Article 3 (a) of Council Regulation (EC) No 2580/2001 of 27 December 2001, compared to the Swedish Act on international sanctions, section 8, the wilful act of making any funds available to terrorists or terrorist groups, have been criminalized in Sweden. Also, both this Regulation and Council Regulation (EC) No 881/2002 of 27 May 2002, which implements UNSCR 1390, obligate financial institutions to provide any information that could facilitate compliance with the Regulation. No legislative action has been taken against charitable, religious or cultural organisations in particular. As with every other crime, it is the duty of the police and the prosecutors to investigate and take legal measures against anyone who violates these restrictions. It is not possible, however, to comment on any potential investigations in this report.

2 (b) Does Sweden have a body specialised in counter-terrorism, or is that the responsibility of a number of departments or agencies? Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

Sweden does have a body specialized in counter-terrorism. It is the duty of the Swedish Security Service (Säkerhetspolisen) to prevent and detect crime against national security, including counter-terrorism measures.

The Swedish Government gives the Security Service general guidelines through an annual Government decision called the Approval document. This document states the main area of responsibility, including counter-terrorism.

2 (e) Are the relevant provisions of the Penal Code of Sweden applicable in all the following circumstances:
- acts committed outside Sweden by a person who is a citizen of, or habitually resident in, Sweden (whether that person is currently present in Sweden or not);
- acts committed outside Sweden by a foreign national who is currently in Sweden?
Please report on progress with the proposed legislation mentioned in relation to this paragraph.

The Penal Code *is* applicable in all the circumstances described in the question.

As stated in the report of 13 December 2001, the Swedish legislation contains no reference to terrorist acts as a specific criminal offence. Persons committing terrorist acts are punished in accordance with the general provisions in the Penal Code. Terrorist acts may, as mentioned in the December report, section 2 (e), materialize in a number of specific offences, for example murder, kidnapping, arson, devastation endangering the public, sabotage, hijacking, maritime- or air traffic sabotage, airport sabotage and spreading poison or a contagious substance. All these crimes are punishable by imprisonment for life.

Crimes committed in Sweden

The Swedish legislation on jurisdiction is far-reaching. Chapter 2 of the Swedish Penal Code states that crimes committed in Sweden shall be adjudged in accordance with Swedish law and by a Swedish court. The same applies when it is uncertain where the crime was committed but grounds exist for assuming that it was committed within the Realm (Section 1).

Crimes committed outside Sweden

Crimes committed outside Sweden shall be adjudged according to Swedish law and by a Swedish court where the crime has been committed:
1. by a Swedish citizen or an alien domiciled in Sweden,
2. by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in Sweden, or
3. by any other alien, who is present in the Realm, and the crime under Swedish law can result in imprisonment for more that six months (Section 2).

This shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed (double criminality principle).

Section 3 contains a rule on universal jurisdiction in a number of cases. Thus, according to this Section, Swedish jurisdiction applies *even* if the act is *not* punishable under the law of the place where it was committed (principle of universal jurisdiction).

Consequently, crimes committed outside Sweden shall be adjudged according to Swedish law and by a Swedish court; if the crime is hijacking, maritime or aircraft sabotage, airport sabotage, counterfeiting of money, an attempt to commit such crimes, a crime against international law, unlawful dealings with chemical weapons, unlawful dealings with mines or false or careless statement before an international court, or if the least severe punishment prescribed for the crime in Swedish law is imprisonment for four years or more.

Proposed legislation

As stated in the report of 13 December 2001, Sweden signed the International Convention for the Suppression of the Financing of Terrorism in October 2001. The Swedish Parliament accepted on 29 May 2002 a bill from the Government, including a proposal that Sweden should ratify the Convention. The new legislation will come into force on 1 July 2002.

The Parliament has also approved the European Framework Decision on Combating Terrorism, which is set out in the general report from the European Union. The same applies for the European Framework Decision on a European arrest warrant. The Government is preparing necessary legislative proposals to implement the framework decisions.

Concerning the issue of setting up the judicial co-operation unit Eurojust, mentioned in the December report, the Swedish Parliament has consented to Swedish approval of Eurojust.

3 (c) Please provide a list of the relevant bilateral agreements to which Sweden is a party.

Bilateral agreements including co-operation in combating terrorism:

Agreement between the Government of the Kingdom of Sweden and the Cabinet of Ministers of Ukraina concerning co-operation as regards measures to combat crime, Stockholm, 23 March 1999.

Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Hungary on co-operation in combating organized crime, illegal trafficking in narcotic drugs and psychotropic substances, terrorism and other forms of serious crime, Budapest 23 April 1997.

Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on co-operation in combating crime, Moscow 19 April 1995.

Agreement on police co-operation with France with respect to combating terrorism, illegal trafficking in narcotic drugs and organized crime, Paris 15 december 1989.

Memorandum of Understanding with Spain on co-operation in combating terrorism, illegal trafficking in narcotic drugs and serious organized crime, Madrid 11 May 1989.

3 (d) Please provide a report on the progress of the Bill on the ratification of the International Convention for the Suppression of the Financing of Terrorism and on progress with the ratification and implementation of the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

As already mentioned under section 2 (e), Sweden has signed the International Convention for the Suppression of the Financing of Terrorism. The Swedish Parliament has recently approved the Convention and a bill containing the necessary legislative amendments. The new legislation will come into force on 1 July 2002.

Sweden ratified the International Convention for the Suppression of the Financing of Terrorism on 6 June 2002.

Sweden intends to ratify the Convention on the Marking of Plastic Explosives for the Purpose of Detection as soon as possible. Preparatory work recently began.

3 (e) Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Sweden is party?

Sweden has bilateral extradition treaties with Australia, Canada and the United States of America. As far as Swedish law is concerned, the crimes set forth in the relevant international conventions are extraditable offences under the bilateral treaties.

3 (g) Subparagraph 3 (g) requires States to "ensure, in conformity with international law, ... that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists". Please indicate whether Sweden's reservation to the European

Convention on the Suppression of Terrorism done at Strasbourg on 27 January 1977 reflects current practice and whether Sweden has any intention to consider the matter further.

Article 6 of the Extradition for criminal offences act contains provisions on extradition in respect of political offences:

Extradition may not be granted for a political offence.

If the act also includes an offence which is not of a political nature, extradition may be granted for that offence, if, in the actual case, the offence is predominantly of a non-political nature.

The foregoing does not apply concerning extradition to a Member State of the European Union or where refusal on this ground would be contrary to an international agreement applying between Sweden and the requesting state.

A person who is a Swedish citizen may not be extradited for a political offence.

According to paragraph 3, extradition for a political offence may not be refused where a refusal would be contrary to an international agreement applying between Sweden and the requesting state. Currently, the only agreement covered by the provision is the International Convention for the Suppression of Terrorist Bombings.

Currently, a working group within the Council of Europe is working on an amendment or an additional protocol to the 1977 European Convention on the Suppression of Terrorism. In that context Sweden will consider whether the reservation should be withdrawn.

4 What measures are taken to deal with the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials?

As regards the first issue mentioned under paragraph 4 of the Resolution, the connection between terrorism and transnational organized crime, illicit drugs and money laundering, Sweden takes part in the extensive work carried out by the European Union in accordance with the action

plan against terrorism that was adopted by the European Council on 21 September 2001. The large number of measures that is now being implemented by the European Union in accordance with this plan also cover, directly and indirectly, questions relating to organized crime and financing of terrorism.

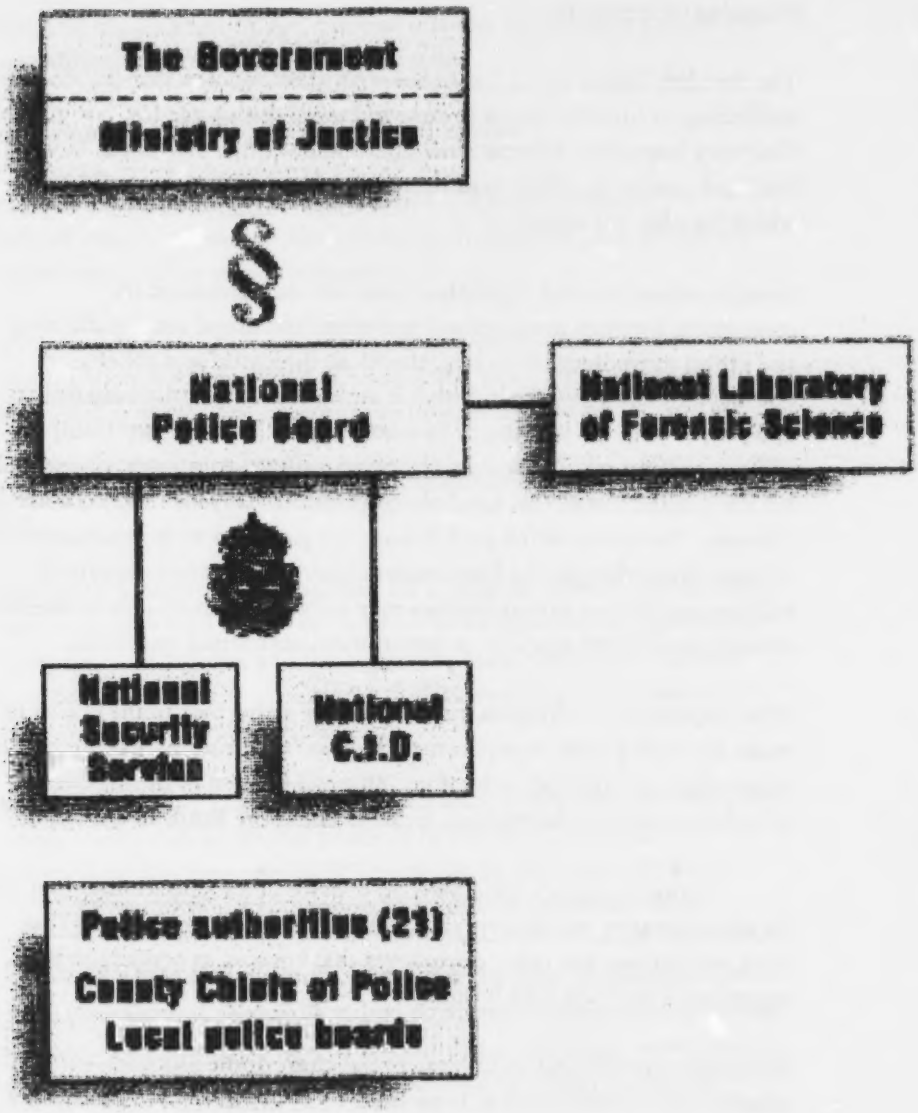
The Swedish Government has noted with great concern that the illicit trafficking in firearms seems to have increased during the last few years. One very important international instrument in this field is the UN Protocol against the illicit manufacturing of and trafficking in firearms, which Sweden has signed.

Swedish export control legislation takes into consideration the connection between international terrorism and illegal arms-trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials. Swedish authorities, Swedish companies, and people who are residing in Sweden are prohibited by law to supply military equipment, inventions regarding military equipment or methods for the production of that kind of equipment to *"anyone"* abroad without a license. Violations of the prohibitions are punished with imprisonment or fines. According to the Government Guidelines on the exports of military equipment export licenses may only be granted to governments, central government agencies or government-authorised recipients.

After September 11, Sweden has been taking active part in the efforts to make the multilateral export control regimes better suited instruments in preventing material and technology, that can be used in the production of weapons of mass destruction, from reaching the hands of terrorists.

Other matters: Could Sweden provide an organisational chart of its administrative machinery, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Enclosed you will find an organisational chart of the judiciary administrative machinery as requested.


The Government
Ministry of Justice
National Police Board
National Laboratory of Forensic Science
National Security Service
National C.I.D.
Police authorities (21)
County Chiefs of Police
Local police boards

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Letter dated 20 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/383).

The Counter-Terrorism Committee has received the attached supplementary report from the Republic of Korea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-44810 (E) 110702

Annex

Letter dated 19 June 2002 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 22 March 2002 requesting further information on the implementation of Security Council resolution 1373 (2001), I have the honour to enclose herewith a response from the Government of the Republic of Korea concerning the aforementioned (see enclosure).

(*Signed*) **Sun** Joun-yung
Ambassador
Permanent Representative

Second report of the Republic of Korea to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001*

On 24 December 2001, the Republic of Korea has presented its first report to the Counter-Terrorism Committee of the United Nations Security Council on measures it has taken to implement Security Council resolution 1373 (2001) of 28 September 2001.

The Counter-Terrorism Committee, having considered the report, raised a number of questions to the Republic of Korea through the letter dated 22 March 2002 from the Chairman, to which the Republic of Korea presents the second report herewith attached as a response.

Questions and Answers

1. **Sub-paragraph 1(a):**

A. Please could the Republic of Korea outline the legislative provisions and procedures which exist for monitoring suspicious financial transactions.

- Article 4 of the Financial Transaction Reports Act 2001 provides that all financial institutions shall report without delay any suspicious financial transactions, if there is a reasonable basis for suspicion, to the Korea Financial Intelligence Unit (KoFIU), an independent body in charge of monitoring money-laundering activities.

* The appendices are on file with the Secretariat and are available for consultation.

- The above-mentioned Act further stipulates in Article 7 that the KoFIU shall review and analyze the reported suspicious financial transactions and provide relevant information to law enforcement agencies such as the Prosecutor-General of the Public Prosecutor's Office, Commissioner-General of the National Police Agency, Commissioner of the National Tax Service, Commissioner of the Korea Customs Office, or Financial Supervisory Committee.

- Law enforcement agencies which have received information from the KoFIU shall conduct an appropriate investigation. If they found sufficient evidence against the alleged perpetrators, they would take necessary steps, including prosecution, in accordance with the Criminal Act.

B. What are the vigilance (transaction-reporting) obligations of financial intermediaries, including those outside the financial sector(e.g. lawyers) that contribute, in particular, to the prevention of economic and financial transactions with terrorist or other criminal aims (as distinct from identifying the proceeds of illicit activity)?

- Although funds or assets in connection with an act violating Article 5 paragraph 2 in the Act on the Punishment of Violent Actions etc, that is, either an act or an attempted act to supply funds in order to organize and maintain a criminal group, may not be considered as proceeds arising from criminal actions, such funds or assets will be included in the concept of "criminal proceeds" stipulated in the Proceeds of Crime Act 2001, and in turn the "criminal proceeds" correspond to "illegal property" as stipulated in the Financial Transaction Reports Act.

- Hence, in the case of financial transactions involving criminal organizations such as a terrorist group, a financial institution involved in such transactions will be obliged to make a financial transaction report regardless of whether or not the "proceeds resulted from criminal action", as long as such transactions fall under financial transactions constituting an act violating Article 5 paragraph 2 of the Act on the Punishment of Violent Actions etc.

C. What are the penalties which may be incurred, and have any already been imposed?

- Article 3 of the Proceeds of Crime Act 2001 provides that the activities of money laundering aimed at providing funds to criminal organizations or groups shall be punished by imprisonment for not more than five years, or a fine not exceeding thirty million won.

- Article 17 of the Financial Transaction Reports Act 2001 rules that all financial institutions failing to report without delay those financial transactions suspected of illegal property or money laundering activities shall be punished by a non-penal fine of no more than five million won.

- The above penalties have not yet been imposed because both the Financial Transaction Reports Act and the Proceeds of Crime Act only came into effect as of 28 November 2001.

2. Sub-paragraph 1(b):

A. It is not clear from the report what provisions exist in the Republic of Korea for the suppression of the financing of terrorism. Please outline these provisions.

- We have a number of provisions in place for the suppression of the financing of terrorism.

- First of all, the Criminal Act stipulates the following terror-related activities as a crime, and its Articles 30-32 rule that any activities providing funds for these crimes shall be punished as an act of complicity in a crime:

  - crime of assault against foreign sovereigns (Article 107); crime of the formation of criminal groups (Article 114); crime of obstruction of performance of official duties (Articles 136 and 144); crime of destruction of public goods(Articles 141 and 367); crime of setting fire to public structures (Article 165); crime of use of explosives(Article 119); crime of obstruction of train and vessel traffic(Article 186); crime of obstruction of use of drinking water (Article 192); crime of coercion, of coercion by hostage, of injury by hostage, and of murder by hostage (Article 324); crime of violence (Article 260); crime of inflicting bodily harm and violence (Article 257); crime of murder (Article 250); crime of false arrest and illegal confinement (Article 276), and so forth.

- The following special laws also stipulate terror-related activities as a crime, and Articles 30-32 of the Criminal Act rule that any activities providing funds for these crimes shall be punished as an act of complicity in a crime:

- Act of the Punishment of Violent Actions, etc: crime of the formation of criminal groups and crime of fund-raising activities for criminal groups (Article 4); crime of assisting criminal groups (Article 5)

- Act on the Aggravated Punishment of Specific Crimes: crime of kidnapping and inducement (Article 5-2)

- Act on the Control of Firearms, Knives, Explosives etc.: crime of non-licensed manufacture, sale, and trade of firearms, etc (Article 70)

- Aviation Act: crime of incurring peril on a plane (Articles 156-158)

- Safety of Aircraft Operation Act: crime of hijacking a plane (Articles 8-12)

• In particular, if the act of financing terrorism is intended to supply funds to criminal organizations, it shall be punished as a crime in accordance with paragraph 2 of Article 5 of the Act on the Punishment of Violent Actions etc.

B. Please report on the content of the Anti-Terrorism Bill currently before the Parliament of the Republic of Korea, and on its progress through Parliament.

• Status of legislation of the anti-Terrorism Bill

- On 27 November 2001, the Council of Ministers endorsed the draft bill and the President signed it.

- On 28 November 2001, the draft bill was submitted to a number of relevant Committees of the National Assembly; Intelligence, Legal Affairs, Finance and Economy,

Defense, Administration, Reunification and Foreign Affairs and Trade

- In February 2002, the Committees of Finance and Economy, Defense, Administration, Reunification and Foreign Affairs and Trade completed their review of the draft bill.

- On 26 February 2002, the Intelligence Committee carried out its first review of the draft bill and the opposition party submitted an amendment to the draft.

- On 11 March 2002, the Intelligence Committee held a public hearing, inviting experts on terror-related issues.

- Presently, the Intelligence Committee remains seized of this matter.

• Main elements of the Anti-Terrorism Bill:

- to establish under the control of the President a permanent National Counter-Terrorism Council composed of relevant authorities at the Ministerial level, with the Prime Minister as its Head

- to establish a Counter-Terrorism Center composed of mid-career level officers of the relevant authorities, and a Counter-Terrorism Committee at the cities, provincial capitals, main airports and sea ports.

- to criminalize acts of terrorism, of supporting terrorism, and of forming terrorist organizations, and to define as terrorism funds all kinds of assets held by the terrorism organizations and proceeds obtained through terror-related activities.

- to criminalize the financing, mediation, preservation, and use of terrorism funds, and the laundering of terrorist funds.

- to share terror-related information with foreign governments and international organizations.

3. Sub-paragraph 1(c): Please outline the legislative provisions and the procedures for freezing the accounts and assets of persons who are under well-founded suspicion of engaging in serious criminal activity; and confiscating the assets of persons convicted of serious crimes.

- In accordance with the Article 48 of the Criminal Act, assets already provided or to be provided to all kinds of terror-related criminal activities shall be confiscated.

- The investigation agencies may collect the above-mentioned confiscated assets in the process of investigation of terrorists, terror organizations and criminals for financing terrorism funds.

- The Proceeds of Crime Act 2001 rules that criminal proceeds and funds provided to criminal organizations may be frozen or confiscated.

  - The freezing may be implemented before or after the prosecution of money-laundering activities; if collection is submitted, the court will make a final decision.

- Pursuant to the Foreign Currency Control Act, the foreign currency transactions of terrorists designated by the UN Security Council are subject to the approval of the Governor of the Bank of Korea; thereby the assets held by terrorists are virtually frozen.

4. **Sub-paragraph 1(d) : What preventive controls and surveillance measures has the Republic of Korea put in place to ensure that funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organizations ?**

- The Financial Transaction Reports Act, the Proceeds of Crime Act, and the Foreign Currency Control Act are applicable to all financial actors, including individuals and charitable, religious and cultural organizations.

- The Commercial Act, Civil Act and Act on the Establishment and Operation of Public Organizations stipulate that those who wish to establish non-profit organizations such as charitable, religious and cultural organizations must register with the relevant authorities. The supervisory authorities will monitor their activities so that they can not be implicated in the terrorist or criminal activities.

5. **Sub-paragraph 2(a):**

A. How does the Republic of Korea control the establishment in its territory of para-military groups that have the potential to engage in terrorist activities ?

- Article 114 of the Criminal Act and Article 4 of the Act on Punishable Acts of Violence stipulate that organizing a criminal group constitutes a punishable act of crime.

B. Please outline the main provisions of the legislation on weapons, including, in particular, the legislative provisions and practical measures to prevent the supply of weapons to terrorist groups within and outside the territory of the Republic of Korea.

- Article 70 of the Firearms, Knives, Explosives etc Control Act prohibits non-licensed manufacture, sale, and trade of

firearms, and in accordance with Articles 30-32 of the Criminal Act, assistance through supply of weaponry to all sorts of terror-related crimes shall be punished as an act of complicity in a crime.

6. **Sub-paragraph 2(b) :**

A. Does the Republic of Korea have a body that specializes in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is coordination between the various entities effected?

- We have the National Counter-Terrorism Council, with the Prime Minister being its Head, as a consultative and coordinating body exclusively in charge of counter-terrorism activities within the Korean government. The concerned Ministries and agencies shall implement the decisions made at the Council. (Presidential Decree No. 47 of 1999)

B. Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

- Although each authority shall provide countermeasures independently regarding terrorism-related matters falling within its own jurisdiction, decisions made by the National Counter-Terrorism Council shall be enforced through mutual cooperation.

- In order to cope with the specific terrorist incidents and to guide the proper direction in which the national counter-terrorism policy should be formulated, the Republic of Korea aims to include in the draft Anti-Terrorism Bill the establishment of the National Counter-Terrorism Council, comprising relevant authorities with the Prime Minister as its

Head. This action intends to upgrade the legal basis for the Council from Presidential Decree to legislation.

7. **Sub-paragraph 2(c) : Please outline the legislation relating to immigration control and the granting of the right of asylum, and describe how abuse of those provisions is prevented.**

- Article 11 of the Statute on Immigration Control stipulates that an entry into the country can be prohibited for a person illegally bringing firearms, knives, and explosives or providing grounds for concern that the person in question may either threaten the national interest of the Republic of Korea and/or public safety.

  - Especially, the Republic of Korea enforces strict immigration control on terrorists, including the members of Taliban and Al-Qaeda groups against whom the Security Council has imposed travel bans.

- Article 76 rules that a deliberative organ to decide on refugee status shall be set up within the Ministry of Justice and it shall conduct an appropriate review process.

- If a person is recognized as a refugee who falls under either Article 1 C (1)-(6), or Article 1 F (a)-(c) of the Refugee Convention, the recognition of the refugee status can be revoked; if it is recognized that there is concern that such a person may take an action detrimental to the interest of the Republic of Korea and its security, the return of the certificate of refugee status may be demanded.

8. Sub-paragraph 2(e) :

A. Please outline the legislation aimed at preventing and suppressing acts of terrorism.

- Such laws as designed to prevent and suppress the financing of terrorism are all applied to acts of terrorism as well. Therefore, not only the Criminal Act but other special laws like the "Punishment of Violence Act", "Punishment of Specific Crime Act", "Firearms, Knives, Explosives Control Act", "Aviation Act", "Safety of Aircraft Operation Act", "Railroad Act", "Toxic Chemical Control Act", "Atomic Energy Act" and "Protection of Military Installations Act" are all effective tools in this regard.

B. Are the relevant provisions of the Penal Code of the Republic of Korea applicable in all the following circumstances : acts committed outside the Republic of Korea by a person who is a citizen of, or habitually resident in, the Republic of Korea(whether that person is currently present in the Republic of Korea or not); acts committed outside the Republic of Korea by a foreign national who is currently in the Republic of Korea?

- Article 3 of the Criminal Act rules that this law applies to a domestic person who has committed a crime outside the territory of the Republic of Korea (the personal principle).

- Article 4 of the Criminal Act stipulates that this law applies to a foreigner who commits a crime against the Republic of Korea or the Korean people outside the territory of the Republic of Korea.

9. Sub-paragraph 3(a) : What measures has the Republic of Korea taken in the field of police cooperation ?

- We have been maintaining a steady exchange of intelligence with INTERPOL and foreign intelligence agencies to help prevent the domestic entry of terrorist suspects, possibly leading to their arrests.

- In particular, Korea, China, and Japan regularly hold as required tripartite police authority consultation meetings in order to strengthen the system to conduct cooperative investigation to combat all sorts of crime including terrorism.

  - These three countries held a meeting of Police Consultative Dialogue among themselves in Seoul on 23 April 2002, in which they agreed to set up a cooperation mechanism to share information on narcotics trafficking, organized crime, cyber crimes and passport forfeit.

10. Sub-paragraph 3(d) : Please report on the implementation in domestic law of the international conventions and protocols relating to terrorism which the Republic of Korea has ratified and indicate what are its intentions with regard to the others.

- see Appendix 1

11. Sub-paragraph 3(e) : Have the crimes set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offenses in the bilateral treaties to which the Republic of Korea is party, as provided for in a number of those conventions and protocols ?

- A majority of the crimes cited in the terrorism-related international conventions and protocols correspond to the extraditable crimes included in the bilateral extradition treaties that Korea has concluded with 16 countries.

  - The Criminal Extradition Act and the above-mentioned criminal extradition treaties stipulate that criminal acts resulting in sentences of one year or more are subject to being extraditable crimes

  - States with which the Republic of Korea has either concluded or is in the process of negotiating an extradition treaty as of 10 June 2002 :

    - Entered into force : Australia, Canada, Spain, the Philippines, Paraguay, Chile, Mexico, the United States of America, Mongolia, Argentina, Thailand, Brazil, China, New Zealand(14)

    - Concluded : in addition to the above countries, Japan(entry into force on June 21, 2002), Indonesia(16)

    - Under negotiation : Russia, Hong Kong(2)

- Pursuant to the provisions of the Act on International Judicial Mutual Assistance in Criminal Matters of 1991, the Republic of Korea exchanges and shares terrorism-related information and data with other states and provides assistance and cooperation in criminal investigations or proceedings relating to terrorist acts when necessary on the basis of bilateral

treaties on mutual legal assistance in criminal matters, and in the case that no such treaty exists between the states involved, on the basis of the principle of reciprocity.

12. **Sub-paragraph 4: Has the Republic of Korea had addressed any of the concerns expressed in paragraph 4 of the Resolution ?**

- We have participated in a number of regional meetings to discuss forms of regional cooperation against terrorism:

  - The 11th Meeting of the CSCAP Working Group on Comprehensive and Cooperative Security (4-5 February 2002, Kuala Lumpur)

  - CSCAP Study Group Meeting on Terrorism (24-26 March 2002, Kuala Lumpur)

  - ARF Workshop on Financial Measures Against Terrorism (25-26 March 2002, Hawaii)

  - ARF Workshop on the Prevention of Terrorism (17-19 April 2002, Bangkok)

  - ARF Inter-sessional Support Group on Confidence-Building Measures (22-24 April 2002, Hanoi)

  - The 11th Meeting of the CSCAP Working Group on Transnational Crime (13-14 May 2002, Shanghai)

  - Conference on the Global Agenda in Asia and Europe: Transnational Crimes and Prospects for Asia-Europe Cooperation (27-28 May 2002, Copenhagen)

13. Other matters:

Could the Republic of Korea please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

- see Appendix 2.

United Nations S/2002/693

Security Council

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Letter dated 20 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/377).

The Counter-Terrorism Committee has received the attached supplementary report from Belarus, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-45073 (E) 160702

Annex

Letter dated 20 June 2002 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I should like to transmit to you herewith a supplementary report to the Counter-Terrorism Committee submitted in response to the letter of 22 March 2002 (see enclosure).

At the same time, I wish to inform you that the detailed information with regard to paragraph 4 of resolution 1373 (2001) and an organizational chart of our Government's administrative machinery to implement the resolution will be submitted later on.

The Government of the Republic of Belarus stands ready to provide the Committee with additional reports or information that may be requested by the Committee.

I should be grateful if you would have the attached report circulated as a document of the Security Council.

(*Signed*) Sergei S. **Ling**
Permanent Representative of the
Republic of Belarus to the United Nations

Enclosure

[Original: Russian]

Answers to the questions of the Security Council Counter-Terrorism Committee regarding the report of the Republic of Belarus on implementation of Security Council resolution 1373 (2001)

Subparagraph 1 (a)

At the national level, the legal basis for the counter-terrorist efforts of the competent bodies of the Republic of Belarus is as follows:

- Act of the Republic of Belarus of 3 January 2002 "On counter-terrorism";
- Criminal Code of the Republic of Belarus;
- Code of Criminal Procedure of the Republic of Belarus;
- Decree No. 185 of the President of the Republic of Belarus of 31 March 1998 enacting the Statute on coordination of efforts of special sub-units of law enforcement agencies and other State bodies to combat organized crime and corruption;
- Directive No. 272 (by order of the President) of 23 September 1999 on supplementary measures for ensuring public security and preventing extremist and terrorist acts in the territory of the Republic of Belarus;
- Decision No. 10 of the Board of Directors of the National Bank of the Republic of Belarus of 28 January 2002 on the suspension of credit and debit transactions in respect of accounts belonging to terrorists, terrorist organizations and persons associated therewith.

The Act of the Republic of Belarus "On counter-terrorism" specifies the legal and organizational bases for efforts to combat terrorism; the set of measures for preventing, identifying, suppressing and detecting offences linked to terrorism; the scope and terms of reference of actors directing efforts to combat terrorism; and the legal bases for the conduct of counter-terrorist operations.

In accordance with article 4 of the Act, Belarus, in conformity with international treaties, cooperates in the field of counter-terrorism with other States, with their law enforcement agencies and special services, and with the international organizations undertaking efforts to combat terrorism.

Guided by its concern for maintaining the security of the individual, society and the State, Belarus prosecutes in its territory persons involved in terrorist activities, including in cases where the terrorist acts were planned or took place outside Belarus but were directed against its interests and in other cases provided for in the Republic's international treaties.

Subparagraph 1 (b)

Activities linked to the wilful provision or collection of funds by nationals of Belarus or in its territory in support of terrorism are considered in Belarusian legislation to constitute participation, in the form of aiding and abetting, in the

crimes referred to in articles 124 (Terrorist acts against representatives of foreign States), 125 (Attacks on institutions enjoying international protection), 126 (International terrorism) and 289 (Terrorism) of the Criminal Code. Under article 16 of the Code, a person who has facilitated the commission of a crime, the supply of the means of commission or the provision of other assistance (advice, instructions, information, instruments and means of commission, elimination of obstacles, etc.) is considered an accomplice.

Thus, a person who has committed acts referred to in the question under consideration is liable to prosecution on the basis of article 289 (or another relevant article of the Criminal Code) and article 16 of the Criminal Code.

Subparagraph 1 (c)

Questions concerning the freezing of bank accounts are regulated by Belarusian legislation. The attachment or forfeiture of funds or other assets held in a bank and belonging to individuals and entities may occur following:

- A court decision or ruling;
- A decree issued by a body of inquiry or pre-trial investigation in cases covered by the Code of Criminal Procedure;
- A decision of the tax authorities in cases covered by Belarusian legislation.

It is possible, at the request of another country, to freeze funds held in Belarus and belonging to individuals or entities associated with a terrorist act under the procedure stipulated for executing requests for legal assistance in accordance with a treaty, if such a treaty has been concluded with the requesting State.

Subparagraph 1 (d)

Under article 3, paragraph 11, of the Act of the Republic of Belarus "On counter-terrorism", knowingly financing or otherwise assisting a terrorist organization or group constitutes terrorist activity.

In addition, the National Bank of the Republic of Belarus has adopted Decision No. 10 of 28 January 2002 on the suspension of credit and debit transactions in respect of accounts belonging to terrorists, terrorist organizations and persons associated therewith.

Under article 9 of the Act of the Republic of Belarus "On counter-terrorism", State bodies, other organizations and citizens must provide assistance to actors directing efforts to combat terrorism, fulfil their requests and observe the legal regulations in areas in which counter-terrorism operations are being conducted.

The Act of the Republic of Belarus of 19 July 2000 "On measures to prevent the legalization of funds obtained by illegal means" makes it the duty of persons carrying out financial transactions to report financial transactions of an illegal nature to the law enforcement agencies. In accordance with the Act, breaches of this requirement are prosecutable offences under the administrative and criminal law of Belarus.

Currently, there is no law in Belarus regulating the activities of alternative money transfer organizations.

Subparagraph 2 (a)

The normative-legal basis for the regulation of questions concerning the sale, distribution and transit of arms through the territory of Belarus includes:

- Act of the Republic of Belarus of 6 January 1998 "On export controls";
- Act of the Republic of Belarus of 29 December 1998 "On State regulation of foreign trade activities";
- Act of the Republic of Belarus of 13 November 2001 "On weapons";
- Decision No. 27 of the Council of Ministers of the Republic of Belarus of 10 January 1998 "On the enhancement of State control over the transfer across the customs border of the Republic of Belarus of special goods, labour and services";
- Decision No. 552 of the Council of Ministers of the Republic of Belarus of 24 April 2002 enacting the Statute on the transit through the territory of the Republic of Belarus of goods intended for military use.

Subparagraph 2 (b)

The law enforcement agencies and special services of the Republic of Belarus participate, with the corresponding services of the countries of the Commonwealth of Independent States (CIS), in an early warning system intended to prevent the commission of terrorist acts on the basis of agreements concluded between them.

Subparagraph 2 (c)

The draft decree of the President of the Republic of Belarus "On the introduction of amendments and additions to the Statute on the procedure for consideration of questions concerning the granting of asylum to aliens and stateless persons", prepared by the Ministry of Internal Affairs of Belarus, is currently with the Government bodies concerned for coordination. This decree provides for the refusal of asylum to persons involved in terrorist activities.

Subparagraph 2 (d)

Article 6 of the Criminal Code provides for the prosecution of persons who have committed offences outside Belarus, in particular:

1. Nationals of Belarus or stateless persons habitually resident in Belarus who have committed offences outside Belarus are liable to prosecution if the acts committed by them are offences in the State in whose territory they were committed and if they have not been prosecuted in that State. When such persons are sentenced, the penalty is fixed within the limits of the sanction stipulated in the [relevant] article of the Criminal Code but must not exceed the upper limit of the sanction provided by the law of the State in whose territory the offence was committed.

2. Foreign nationals or stateless persons not habitually resident in Belarus who have committed offences outside Belarus are liable to prosecution in cases involving the commission of particularly serious offences directed against the interests of Belarus.

3. The Criminal Code is applied independently of the criminal law of the place in which the act was committed where the following offences are concerned:

(1) Genocide (article 127);

(2) Crimes against the security of humankind (article 128);

(3) Production, stockpiling or distribution of prohibited instruments of war (article 129);

(4) Ecocide;

(5) Use of a weapon of mass destruction (article 134);

(6) Violation of the laws and custom of war (article 135);

(7) Criminal violation of the norms of international humanitarian law in time of armed conflict (article 136);

(8) Inaction or issuance of a criminal order in time of armed conflict (article 137);

(9) Other offences committed outside Belarus which are prosecutable on the basis of a binding international treaty of Belarus.

4. In the cases provided for in sections 2 and 3 of the aforementioned article 6, persons are liable to prosecution under the Criminal Code if they have not been convicted in another State and are brought to justice in the territory of Belarus.

Subparagraph 2 (e)

The articles of the Criminal Code of Belarus establish criminal liability for the commission of the following crimes connected with terrorism:

Article 124
Acts of terrorism against representatives of a foreign State

1. Acts of violence against representatives of a foreign State or an international organization and the kidnapping or holding of such persons against their will for the purpose of provoking international tension or hostilities are punishable by a term of imprisonment of between 5 and 15 years.

2. The murder of a representative of a foreign State or international organization for the purpose of provoking international tension or hostilities is punishable by a term of imprisonment of between 10 and 25 years, by life imprisonment, or by death.

Article 126
International terrorism

The organization or execution in the territory of a foreign State of explosions, arson or other acts with a view to causing loss of life or physical injury, destroying or damaging buildings, installations, means of transport, means of communication, or other property for the purpose of provoking international tension or hostilities or destabilizing the internal situation in a foreign State, or assassinating or causing physical injury to a political or public figure of a foreign State, or damaging their

property for the same purpose (international terrorism) are punishable by a term of imprisonment of between 10 and 20 years, life imprisonment or death.

Article 132
The recruitment, training, financing and use of mercenaries

The recruitment, training, financing, assisting and use of mercenaries for the purpose of participating in military action against a foreign State or preventing the lawful enjoyment of the right of peoples to self-determination, recognized by international law, are punishable by a term of imprisonment of between 7 and 15 years.

Article 285
Establishing or participating in a criminal organization

1. Activity for the purpose of establishing a criminal organization or leading a criminal organization or its structural components is punishable by a term of imprisonment of between 5 and 12 years, either with or without the confiscation of property.

2. Participation in a criminal organization in any other manner is punishable by a term of imprisonment of between three and six years, with or without confiscation of property.

3. Actions specified in paragraph 1 or 2 of this article committed by officials exercising their official authority are punishable by a term of imprisonment of between 10 and 15 years, with or without confiscation of property.

Article 292
Terrorism

1. The execution of explosions, arson or other actions endangering human life, causing physical injury, causing large-scale damage or other serious consequences for the purpose of intimidating the public, influencing the taking of decisions by public bodies, or preventing political or other public activity (terrorism) are punishable by a term of imprisonment of between 8 and 15 years.

2. Terrorism committed by a group of persons acting in conspiracy, whether entailing damage on a major scale or other serious consequences, is punishable by a term of imprisonment of between 8 and 20 years.

3. The actions specified in paragraph 1 or 2 of this article entailing loss of life or executed by an organized group are punishable by a term of imprisonment of between 8 and 20 years, by life imprisonment or by death.

Note. Any person who has participated in preparations for the actions specified in this article shall be absolved of criminal liability for the said crime if such a person, by giving a timely warning to the State authorities or otherwise, prevents an act of terrorism.

Article 290
Threatening to commit an act of terrorism

1. A threat to cause explosions, arson or other actions endangering human life, inflicting physical injury, causing large-scale damage or involving other serious

consequences for the purpose of intimidating the public, influencing the taking of decisions by public bodies, or preventing political or other public activities (threatening to commit an act of terrorism) is punishable by up to six months detention, or by up to five years restriction of liberty or by imprisonment for the same period.

2. A threat to commit an act of terrorism, made repeatedly, either by a group of persons acting in conspiracy or entailing large-scale damage or other serious consequences, is punishable by a term of imprisonment of between three and eight years.

Article 291
Hostage-taking

1. The seizure or holding of a person as a hostage, combined with the threat to murder such person or to cause him physical injury, or the continued holding of such a person with a view to coercing a State, international organization, corporate entity or individual or group of persons to take or refrain from taking any action as a condition for the release of the hostage (hostage-taking) is punishable by a term of imprisonment of between 5 and 10 years.

2. The taking of hostages:

(a) By a group of persons acting in conspiracy;

(b) Repeatedly;

(c) Involving the use, during the seizure or holding of the person, of force endangering the life or health of the victim;

(d) In the knowledge that the hostage is a minor;

(e) In the knowledge on the part of the offender that the hostage is a pregnant woman;

(f) Where two or more hostages are involved;

(g) For mercenary motives or for reward

is punishable by a term of imprisonment of between 6 and 12 years, with or without confiscation of property.

3. The actions specified in paragraph 1 or 2 of this article, committed by an organized group or causing loss of human life through negligence or giving rise to other serious consequences, either deliberately or through negligence, are punishable by a term of imprisonment of between 10 and 15 years, with or without confiscation of property.

Note. A person who releases a hostage, either voluntarily or at the request of the authorities, shall be absolved of criminal liability under this article.

Article 292
Seizure of buildings and installations

1. The seizure or holding of buildings, installations, roads and means of transport or communication, accompanied by the threat to destroy or damage them or by a threat to kill or cause physical injury to persons for the purpose of forcing a State or

other entity, a body corporate or an individual or group of persons to commit or refrain from committing any action as a condition for not carrying out the threat is punishable by detention for a term of between three and six months, or by restriction of liberty for up to five years, or by a term of imprisonment for the same period.

2. Those actions, where committed by an organized group, whether causing loss of human life through negligence or giving rise to large-scale damage or other serious consequences, shall be punishable by a term of imprisonment of between 7 and 12 years.

Article 311
The hijacking of a train, aircraft or vessel or their seizure for purposes of hijacking

1. The hijacking of a train, aircraft or vessel or their seizure for purposes of hijacking is punishable by restriction of liberty for up to five years or by a term of imprisonment for the same period.

2. The same actions, if committed by a group of persons acting in conspiracy, whether involving the use or threat of force, or causing major damage, are punishable by restriction of freedom for between three and five years or by a term of imprisonment of between three and seven years.

3. The actions specified in paragraph 1 or 2 of this article, if committed by an organized group or causing loss of human life through negligence or giving rise to serious physical injury, is punishable by a term of imprisonment of between 5 and 15 years.

Subparagraph 2 (f)

The cooperation of Belarusian law enforcement agencies with the law enforcement agencies of foreign States in combating terrorism takes place on the basis of bilateral international agreements (see the section on paragraph 3 (subparagraphs (a) and (e)) and paragraph 4 in the report of the Republic of Belarus on the implementation of Security Council resolution 1373 (2001)).

In addition, issues of the provision of legal assistance to other countries on criminal matters are regulated by the following international agreements to which Belarus is a party:

- The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 (within the framework of the Commonwealth of Independent States);
- The Agreement between Belarus and Lithuania on legal assistance and legal relations in civil, family and criminal matters, of 20 October 1992;
- The Agreement between Belarus and China on legal assistance in civil and criminal matters, of 11 January 1993;
- The Agreement between Belarus and Latvia on legal assistance and legal relations in civil, family and criminal matters, of 21 February 1994;
- The Treaty between the Union of Soviet Socialist Republics and Finland concerning the provision of legal protection and legal assistance in civil,

family and criminal cases, of 11 August 1978 (succession established by decree of the Supreme Council of Belarus of 11 April 1994);

- The Agreement between Belarus and Poland on legal assistance and legal relations in civil, family, labour and criminal matters, of 26 October 1994;
- The Treaty between Belarus and China on extradition, of 22 June 1995;
- The Agreement between Belarus and Viet Nam on legal assistance and legal relations in civil, family, labour and criminal matters, of 14 September 2000.

Work is currently under way in Belarus on the drafting of a bill on international cooperation concerning the provision of legal assistance in criminal matters. It is intended that the law in question will regulate issues of the provision of legal assistance in criminal matters in the absence of relevant international agreements to which Belarus is a party and will determine the procedure for the provision of such assistance if it is not provided for by an international agreement.

Subparagraph 2 (g)

Coordination of the activity of entities directly engaged in combating terrorism, including State bodies participating in combating terrorism within the limits of their competence, is assigned by article 6 the Act of the Republic of Belarus "On counter-terrorism" to the Interdepartmental Commission on Counter-terrorism of the Security Council of Belarus. A draft decree of the President of Belarus on matters relating to the Interdepartmental Commission on Counter-terrorism is currently in preparation, and will regulate the mechanism for interdepartmental cooperation on issues falling within the competence of various organs of the State administration.

Agreements on cooperation have also been concluded between Belarusian law enforcement organs at the departmental level. Interdepartmental working groups have been established which draw up joint plans for cooperation, supervise their implementation and coordinate issues of information exchange and the conduct of joint operations. Depending on how closely the interests of various departments coincide, additional agreements are concluded between some of them on cooperation not only at the departmental level, but also at the level of structural sub-units. Thus the Belarusian customs authorities cooperate more closely at the level of structural sub-units with the organs of internal affairs and border forces, State security and financial tracking units.

Subparagraph 3 (d)

In accordance with the international treaties it has ratified in the area of combating terrorism, Belarus enacts national legislation which permits full discharge of the obligations arising out of the provisions of the relevant international treaties.

The treaties Belarus has concluded on extradition include a provision to the effect that individuals are extradited to face criminal charges for acts which under the legislation of the States parties are crimes for the commission of which provision is made for punishment in the form of deprivation of freedom for a period of more than one year or a more severe penalty.

Belarus is currently conducting the domestic procedures for ratification of the International Convention for the Suppression of the Financing of Terrorism.

Subparagraph 3 (g)

There is no extradition law in Belarus.

The extradition of a person who has committed a crime is regulated by article 7 of the Criminal Code of Belarus, which provides that:

1. A national of Belarus may not be extradited to a foreign State except as provided by international treaties to which Belarus is a party;

2. A foreign national or stateless person who has committed a crime outside Belarus and is located in the territory of Belarus may be extradited to a foreign State to face criminal charges or serve a sentence in accordance with an international treaty to which Belarus is a party;

3. In the absence of such an international treaty, the persons referred to in subparagraph 2 above may be extradited to a foreign State on the basis of the principle of reciprocity, on condition that the requirements of Belarusian legislation are met.

The Belarusian bill on international cooperation in the provision of legal assistance in criminal matters makes provision for regulating the justification and procedure for extradition. It is also planned that the law in question will regulate issues of the extradition of criminals to foreign States in the absence of a bilateral extradition treaty.

One of the grounds for refusal to extradite provided for in the above-mentioned bill is that a person whose extradition is requested is to be prosecuted in the requesting State on the grounds of his political convictions. The same grounds are provided for in the extradition treaty with China.

In the treaties with Poland and Viet Nam on the provision of legal assistance, the fact that the act for which extradition is requested is regarded as a political offence constitutes grounds for refusal to extradite.